



AGENDA
CITY OF LAKE WORTH BEACH
PLANNING & ZONING BOARD REGULAR MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, AUGUST 03, 2022 -- 6:00 PM

ROLL CALL and RECORDING OF ABSENCES:

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA

APPROVAL OF MINUTES:

- A. [April 20, 2022 Regular Meeting Minutes](#)
- [June 1, 2022 Regular Meeting Minutes](#)
- [June 15, 2022 Regular Meeting Minutes](#)

CASES:

SWEARING IN OF STAFF AND APPLICANTS

PROOF OF PUBLICATION

- 1) [Gifted Kids Therapy](#)
[Demand Distribution](#)
- 2) [930 North G Street-Lake Worth Station](#)
[Fleet Maintenance \(Public Works Facility\)](#)

WITHDRAWALS / POSTPONEMENTS

CONSENT

PUBLIC HEARINGS:

BOARD DISCLOSURE

UNFINISHED BUSINESS:

NEW BUSINESS:

- A. [PZB 22-00500007: A Blanket Conditional Use request for multiple conditional uses as provided for in LDR Section 23.3-6 for Gifted Kids Therapy located at 409 South Dixie Highway. Gifted Kids Therapy is requesting consideration of the establishment of an applied behavior analysis center designated as an outpatient clinic/medical office use by LDR Section 23.3-6. The subject site is zoned Mixed Use - Dixie Highway \(MU-DH\) and has a future land use designation of Mixed Use – East \(MU-E\).](#)

- B. [PZB Project Number 22-00500006: Consideration of a Conditional Use Permit request to establish wholesale/distribution facility use in the Industrial Park of Commerce \(I-POC\) zoning district located at 1807 6th Avenue North. The request is to establish the proposed use \(±8,000 square feet\) within the current ±34,657 square foot industrial building.](#)
- C. [PZB Project Number 22-00900002 \(Ordinance 2022-15\): Consideration of a Mixed Use Urban Planned Development, Major Site Plan, Conditional Use Permit \(CUP\), and Sustainable Bonus Incentive Program \(SBIP\) requests for the project commonly referred to as "Lake Worth Station" located at 930 N G Street to construct a 5-story, 81 dwelling unit mixed use development with 39 multi-family units proposed to qualify as workforce housing and office space. The sustainable bonus request is for additional density and height. The property is zoned Transit Oriented Development – East \(TOD-E\).](#)

PLANNING ISSUES:

PUBLIC COMMENTS (3 minute limit)

DEPARTMENT REPORTS:

BOARD MEMBER COMMENTS:

ADJOURNMENT:

If a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (F.S. 286.0105)

NOTE: ALL CITY BOARDS ARE AUTHORIZED TO CONVERT ANY PUBLICLY NOTICED MEETING INTO A WORKSHOP SESSION WHEN A QUORUM IS NOT REACHED. THE DECISION TO CONVERT THE MEETING INTO A WORKSHOP SESSION SHALL BE DETERMINED BY THE CHAIR OR THE CHAIR'S DESIGNEE, WHO IS PRESENT AT THE MEETING. NO OFFICIAL ACTION SHALL BE TAKEN AT THE WORKSHOP SESSION, AND THE MEMBERS PRESENT SHOULD LIMIT THEIR DISCUSSION TO THE ITEMS ON THE AGENDA FOR THE PUBLICLY NOTICED MEETING. (*Sec. 2-12 Lake Worth Code of Ordinances*)

Note: One or more members of any Board, Authority or Commission may attend and speak at any meeting of another City Board, Authority or Commission.



**MINUTES
CITY OF LAKE WORTH BEACH
PLANNING & ZONING BOARD REGULAR MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, APRIL 20, 2022 -- 6:00 PM**

ROLL CALL and RECORDING OF ABSENCES: Present were: Greg Rice, Chairman; Mark Humm; Anthony Marotta, Vice-Chair; Laura Starr; Edmund LeBlanc; Juan Contin. Absent: Zade Shamsi-Basha. Also present were: Scott Rodriguez, Principal Planner; Erin Sita, Assistant Director for Community Sustainability; Elizabeth Lenihan, Board Attorney; Sherie Coale, Board Secretary.

PLEDGE OF ALLEGIANCE: E. LeBlanc led pledge

ADDITIONS / DELETIONS / RE- ORDERING AND APPROVAL OF THE AGENDA None

APPROVAL OF MINUTES:

A. April 6, 2022 Regular Meeting Minutes

Motion: M. Humm moves to accept April 6, 2022 minutes as presented; G. Rice 2nd.

Vote: Ayes all, unanimous

CASES:

SWEARING IN OF STAFF AND APPLICANTS Board Secretary administered oath to those wishing to give testimony.

PROOF OF PUBLICATION Provided in meeting packet

1) 1936 7th Ct North

WITHDRAWALS / POSTPONEMENTS None

CONSENT None

PUBLIC HEARINGS:

BOARD DISCLOSURE M. Humm knows the Architect for the project.

UNFINISHED BUSINESS: None

NEW BUSINESS:

A. PZB Project Number 20-00500007: Consideration of a **Conditional Use Permit** request to establish an *import/export use with accessory outdoor storage* in the Industrial Park of Commerce (I-POC) zoning district at 1936 7th Court North. The request is to establish the proposed 1,800 square foot use within the current industrial building. The project is being processed concurrently with a minor site plan amendment to address parking and screening in the proposed outdoor storage area.

Staff: S. Rodriguez presented the case findings and analysis. A minor site plan is also being processed to address parking of inoperable vehicles and screening violations per Code Compliance. There is a condition limiting the business, at this location, to passenger vehicles only.

Board: Questions arose concerning why the project has been so long in coming before Board review and if there will be retail.

Staff: The applicant did not fully understand what was needed to bring the business into compliance with the Business License application process.

Applicant: Lily Hakkarainen-due to Covid the item had been postponed and change of ownership. They are a licensed freight forwarder. They ship purchased vehicles to foreign owners. The vehicles are tagged and titled by the foreign owners.

Public Comment: None

Motion: M. Humm moves to approve PZB 20-00500007 with staff recommended Conditions of Approval based upon competent substantial evidence provided in the staff report and testimony at the public hearing; E. LeBlanc 2nd.

Vote: Ayes all, unanimous.

PLANNING ISSUES: The Gulfstream renderings are available online at the City website and will be heard on April 27, 2022 by Historic Resources Preservation Board. To date there are several letters of support and no affected parties. May 18, 2022 will be a Joint Workshop, as a result of the Charette, with the City Commission and Treasure Coast Regional Planning Council.

PUBLIC COMMENTS (3 minute limit) None

DEPARTMENT REPORTS: None

BOARD MEMBER COMMENTS: None

ADJOURNMENT: 6:31 PM



MINUTES
CITY OF LAKE WORTH BEACH
PLANNING & ZONING BOARD REGULAR MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, JUNE 01, 2022 -- 6:06 PM

ROLL CALL and RECORDING OF ABSENCES: Present were: Greg Rice, Chairman; Anthony Marotta, Vice-Chair; Mark Humm; Laura Starr; Edmund LeBlanc; Juan Contin. Absent: Zade Shamsi-Basha. Also present were: Scott Rodriguez, Principal Planner; Erin Sita, Assistant Director for Community Sustainability; William Waters, Director for Community Sustainability; Elizabeth Lenihan, Board Attorney; Sherie Coale, Board Secretary.

PLEDGE OF ALLEGIANCE: Led by Mark Humm.

ADDITIONS / DELETIONS / RE-ORDERING AND APPROVAL OF THE AGENDA None

APPROVAL OF MINUTES: None

CASES:

SWEARING IN OF STAFF AND APPLICANTS: Board Secretary administered oath to those wishing to give testimony.

PROOF OF PUBLICATION: Provided in the meeting packet

WITHDRAWALS / POSTPONEMENTS None

CONSENT None

PUBLIC HEARINGS:

BOARD DISCLOSURE: None

UNFINISHED BUSINESS: None

NEW BUSINESS:

A. PZB Project Number 21-00500010: A Major Site Plan and a Conditional Use Permit request for the construction of eight-unit townhouses (townhouse complex) at 1719-1737 North Federal Highway within the Mixed Use – Federal Highway (MU-FH) zoning district.

Application to be continued to June 15, 2022

Motion: A. Marotta moves to continue PZB 21-00500010 to June 15, 2022; 2nd M. Humm.

Vote: Ayes all, unanimous.

B. PZB Project Number 21-01400018: (Ordinance 2022 – 08): A planned development, major site plan, conditional use permit and sustainable bonus requests for Detroit St/ Buffalo St at 7 Detroit Street and 26 Buffalo Street to construct an approximately 36-story,

60-unit multi-family mid-rise residential structure. The sustainable bonus request is for an additional 6 feet (1- story) of height. The property is zoned Mixed-Use West (MU-W).

Application to be continued to June 15, 2022

Motion: A. Marotta moves to continue PZB 21-01400018 (Ordinance 2022-08) to June 15, 2022; 2nd M. Humm.

Vote: Ayes all, unanimous.

C. PZB Project Number 22-00500002: Consideration of a Conditional Use Permit request to establish an aquaculture/hydroponic farming use in the Industrial Park of Commerce (I-POC) zoning district at 1909 7th Court North. The request is to establish the proposed use within the current 10,284 square foot industrial building.

Staff: S. Rodriguez presents case findings and analysis. Dedicated parking spaces on the north side of the bay. Landscaping will be conditioned to replace dead materials where needed.

Agent for the applicant: Chuck Millar, Senior Project Manager of Atwell accompanied by the applicant Eric Wong. The business is licensed through various State agencies and accepting of Conditions of Approval.

Board: J. Contin asks what is being grown? **Response:** Commercial Hemp.

Applicant: Seeds are acquired through various approved vendors, inspected when seeding. It is a hydroponic system. Cannabis Sativa is the species and there are chains of custody for the handling. Several labs are used for testing regarding the tolerance of under 0.3. Those results are provided to the State of Florida Dept of Agriculture. Once the plants reach @ 36 inches in height, they are sold to other wholesale farmers. It saves 3 months off the growing cycle.

Staff: The Conditions of Approval state that retail is prohibited as is outdoor storage.

Board: How will this help the City tax base? how many employees will be city residents? When did the business begin operating? Is City water being utilized and how is wastewater handled? **Response:** Began in December 2020. The wastewater will go to the City sewer with no pesticides or insecticides. The plants are treated with citrus oils and peppermint and salt based fertilizers. Is this the only location for the applicant's business? **Response:** No, a smaller unit is located in Lake Park.

Staff: If in the future the applicant decides to move to Phase II of the business model and retain the plants for finishing, the project would be required to come back before Board for that approval. The City LDR's make no distinction in product type. It is a licensed agricultural product being grown hydroponically.

Public Comment: None

Motion: A. Marotta moves to approve PZB 22-00500002 with staff recommended Conditions of Approval based upon competent substantial evidence provided in the staff report and testimony given at the hearing; E. LeBlanc 2nd.

Vote: 5/1 motion passes, L. Starr dissenting.

D. Ordinance 2022-11: Consideration of an ordinance amending Chapter 23 “Land Development Regulations,” Article 2 “Administration,” Division 3 “Permits,” Section 23.2-31 related to “Site Design Qualitative Standards.”

Board Attorney: Reading of Title of Ordinance 2022-11

Staff: William Waters- at direction of City Commission since March 2021. Quality of Architecture being seen in the City and higher performance standard of Sustainability requiring buildings to exceed industry standards. This would require an additional staff person or the outside utilization of a consultant to review the proposed building standards. It will add a level of complexity to reviews.

Board: Questions regarding how much money is set aside for this additional workload? **None.** How many architects are currently on the City Commission? **None.** How many position vacancies are there in the Dept of Community Sustainability? **Response:** 2 Building vacancies, 1 Planning & Zoning position, Code Compliance has five vacant positions. Where did the percentages come from? **Response:** The pro-forma will be verified. The cost of the development will increase in the City. There is no other city in Florida that requires baseline of environment, social justice be addressed in the course of the project review and approval. If the standard is vague, how would one comply with the requirement? Example: An awareness that everyone/anyone is able to experience and learn from the project. What types of projects will be subject to the Ordinance? **Response:** 7,500 square feet and greater.

Motion: A. Marotta moves to recommend adoption of Ordinance 2022-11 to the City Commission with revision to Paragraph 16 striking all developments; including only Major Site Plans, revisions only and above with more specifics on how it would be objectively and fairly evaluated; J. Contin 2nd.

Additional discussion regarding the possible difficulties in evaluating and determining compliance with this amendment. There will be more reliance on the Board to challenge the developer. Board members thought that predictability through code was a good thing in that developers did not have to resubmit multiple times. Some developers do focus on this type of development.

Public Comment: None

Vote: 5/1 motion passes, L. Starr dissenting.

Board member J. Contin departs, quorum maintained.

E. Ordinance 2022-13: Consideration of an ordinance amending Chapter 23 “Land Development Regulations,” Article 1 “General Provisions,” Division 2 “Definitions,” Section 23.1-12 “Definitions,” adding a new definition “Micro-unit;” and Article 4 “Development Standards,” adding a new Section 23.4-25 “Micro-units,” providing for development standards for micro-units.

Staff: William Waters- Micro-units have been around for a time. It is a way to help address the housing crisis in Palm Beach County. They would only be allowed in Mixed-Use Districts, along major thoroughfares due to a modicum of personal service and commercial components. Ranging from 257 square feet with no more than two (2) bedrooms, a kitchen and bathroom. There are shared common areas. There is a minimum of 20 units required, reduction in parking, mixture of uses-i.e. library, virtual office space, game room, commissary kitchen. One could mix micro-units with regular units.

Board: How is it different from an apartment? **Response:** It is similar but shared common space is required. Because of the reduced size, the cost should be less. The marketplace would determine the rates. The current minimum standard size is 400 square feet for one bedroom, 600 square foot two bedroom; 3 bedroom approximately 1,000 square feet. The historic district has some very small homes with small square footages below those minimums.

Public Comment: None

Motion: A Marotta moves to recommend approval of Ordinance 2022-13 to the City Commission; E. LeBlanc 2nd.

Vote: 4/1 motion passes; L. Starr dissenting.

F. Ordinance 2022-12: Consideration of an ordinance amending Chapter 23 “Land Development Regulations,” Article 1 “General Provisions,” Division 2 “Definitions,” Section 23.1-12 “Definitions,” adding new definitions “Annual Gross Household Income,” “Gross Rent,” and “Overall Housing Expense;” and Article 2 “Administration,” Division 3 “Permits,” adding a new Section 23.2-39 “Affordable/Workforce Housing Program.”

Staff: William Waters-Provides housing for people who already live in the City and don’t qualify for low-income housing. Median household income in LWB is less than \$40K for a family of four. Need for quality housing. Even city staff cannot find a middle price point place to live.

Board: Is there an attempt to spread out the disproportionate amount of affordable housing options throughout Palm Beach County? The City is now giving incentives for that. How does the City benefit financially from the program? The City does not have money for that but the density bonus exists.

Motion: A. Marotta moves to recommend approval of **Ordinance 2022-12** to the City Commission; E. LeBlanc 2nd.

Vote: Ayes all, unanimous.

PLANNING ISSUES:

A. Annual Organizational Meeting & Election of the Chair & Vice-Chair

The organizational meeting is deferred to the next meeting to be held on June 15, 2022.

PUBLIC COMMENTS (3 minute limit)

DEPARTMENT REPORTS: Detroit Street and Solimar are the upcoming projects for the next Board meeting. The Residences of Lake Worth Beach, East Coast Station, The Perch and a revision to the Village Flats are also upcoming agenda items.

Please file the annual ethics training with Silvina as well as the financial disclosure form due to PBC Supervisor of Elections.

BOARD MEMBER COMMENTS:

ADJOURNMENT: 9:00 PM



**MINUTES
CITY OF LAKE WORTH BEACH
PLANNING & ZONING BOARD REGULAR MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, JUNE 15, 2022 -- 6:01 PM**

ROLL CALL and RECORDING OF ABSENCES: Present were-Greg Rice-Chairman; A. Marotta-Vice Chair; Mark Humm; Juan Contin; Edmund LeBlanc; Zade Shamsi-Basha. Also present were: Scott Rodriguez, Principal Planner; Erin Sita, Assistant Director for Community Sustainability; William Waters, Director for Community Sustainability; Elizabeth Lenihan, Board Attorney; Sherie Coale, Board Secretary.

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA

APPROVAL OF MINUTES: None

CASES:

SWEARING IN OF STAFF AND APPLICANTS: Board Secretary administered oath for those wishing to give testimony.

PROOF OF PUBLICATION: Included in meeting packet.

- 1) Detroit St 21-01000001
Solimar 21-00500010

WITHDRAWLS / POSTPONEMENTS: None

CONSENT: None

PUBLIC HEARINGS:

BOARD DISCLOSURE: See below

UNFINISHED BUSINESS: None

NEW BUSINESS:

- A. PZB Project Number 21-0100001 (Ordinance 2022-08):** A planned development, major site plan, conditional use permit and sustainable bonus requests for Detroit St/ Buffalo St at 7 Detroit Street and 26 Buffalo Street to construct an approximately 3-story, 60-unit multi-family mid-rise residential structure. The sustainable bonus request is for an additional 1- story in height and approximately 6 ft in height. The property is zoned Mixed-Use West (MU-W). *Application continued from June 1, 2022.

Board Disclosures: None

Staff: S. Rodriguez presented project findings and analysis according to Land Development Regulations, City Comprehensive Plan, and the City Strategic Plan.

Agent for Applicant: Lauren McClellan of JMorton Planning Landscaping and Architecture. The Sustainable Bonus request is for the third floor which will allow for an additional 20 units helping to offset the affordable housing crisis in South Florida. Applicant is requesting a waiver for the parking reduction. Includes a leasing office and tot lot. To offset the sustainable bonus payment, the applicant will be seeking Florida Green Building certification and providing street trees where offsite parking is located.

Board: Request to view plan depicting off-site parking; Agent for the applicant states that will be shown in the Minor Site Plan but there will be a total of 19 spaces. It will be along 2nd Ave North and Detroit Street. Other concerns were the lack of “green” on the renderings. Agent for the applicant states they are only conceptual renderings.

Agent for the applicant: The site will meet the landscape code. Oak trees are planned to be installed.

Board: What does it mean to provide on street parking? Can't anyone park there?

Staff: Until several years ago when re-milled and re-surfaced, there were striped on street parking spaces on Detroit Street. Proposed is 6 islands with trees on Detroit and 6 on 2nd Avenue North. This will provide between 19 and 21 spaces in addition to the 90 spaces on-site. Developers typically are required to make improvements to rights-of-ways adjacent to the sites including the installation of sidewalks, this will be no exception.

Board: Inquiries as to why there seems to be rush to approve the proposal and a request for more information on Transit oriented development aspect.

Owner: The funding for the project is under a deadline.

Staff: TOD is the future land use, the zoning is Mixed-Use West, the applicant is not requesting a rezoning.

Board: Is the request for minor site plan running concurrently?

Staff reviews the minor site plan. Minor site plans are typically required to enforce the Conditions of Approval.

Public Comment: The owner of 20 N. Buffalo Street objects to the location of the dumpster due to noise and odors. Also objects to a four- story building adjacent to the two-story building.

Board: Requests to view the dumpster location again. Question about the Sustainable Bonus Incentive Program and what other components there may be.

Staff: An aerial view of the neighborhood shows a used auto dealer to the east; and Florida Public Utilities Gas Pumping station to the south, both abutting the concerned property owner. The concerned owner does not live at 20 Buffalo St but instead in Wellington. The concerned owner's parcel is located in unincorporated Palm Beach County as well as the used auto dealer and Florida Public Utilities site. The dumpster site has been reviewed by the Public Works Dept, Refuse Division and deemed appropriate for pick-up services. This project was submitted prior to the City Commission Ordinance that now requires ½ of the fee to be deposited into the Sustainable Bonus Incentive Program fund. This project will have provided, through various mechanisms on site, a value equal to all fees that would have been due to the fund under the new requirements.

Motion: E. LeBlanc motions to approve PZB 21-0100001 (Ordinance 2022-08) with staff recommended Conditions of Approval based upon competent substantial evidence in the staff report and testimony at the public hearing. Amending Condition 12 regarding on street parking showing parking requirements will be met with the minor site plan and on street parking addition of 19-21 spaces eliminating the need for a waiver. Z. Shamsi-Basha 2nd.

Vote: Ayes all, unanimous.

B. PZB Project Number 21-00500010: A Major Site Plan and a Conditional Use Permit request for the construction of eight-unit townhouses (townhouse complex) on platted lots of record at 1719-1737 North Federal Highway within the Mixed Use – Federal Highway (MU-FH) zoning district. *Application continued from June 1, 2022.

Board Disclosures: None

Staff: S. Rodriguez presented project findings and analysis according to Land Development Regulations, City Comprehensive Plan, and the City Strategic Plan. Originally platted for eight (8) units in 2004. Due to the previous platting, 2 of the 7 current standards for Conditional Uses do not apply, one being the limitation of 4 units in a row.

Agent for the Applicant: It engages the N. Federal Hwy corridor as per the Major Thoroughfare Design Guidelines. Parking is rear loaded. Of an Anglo-Caribbean style with stucco or hardiplank emulating clapboard siding. Town homes owned by the developer. Concrete block construction, not tilt wall. The property line jogs at the southwest extent of the parcel. The alley to the west stops partway through the development then moves west through an area of single family homes.

Public Comment: None

Motion: M. Humm moves to approve PZB 21-00500010 based upon the competent substantial evidence in the staff report and testimony at the public hearing A. Marotta 2nd. William suggests amended condition to include at time properties are sold, the HOA will provide the documents to staff for review.

The Agent for Applicant accepts the added Condition. M. Humm accepts the amended motion, A. Marotta 2nds the amended motion.

Vote: Ayes all, unanimous.

PLANNING ISSUES:

A. Annual Organizational Meeting & Election of the Chair & Vice-Chair

Postponed until the July 20, 2022 meeting. There have not been any new appointments to the Board. Staff will be on vacation and several projects cannot make the July 6 date but can make the later date.

PLANNING ISSUES: The Gulfstream Hotel 2nd reading will be held on June 21, 2022

PUBLIC COMMENTS (3 minute limit) None

DEPARTMENT REPORTS: None

BOARD MEMBER COMMENTS: None

ADJOURNMENT: 7:07 pm

Legal Notice No. 40609

PLEASE TAKE NOTICE that the City of Lake Worth Beach's Planning and Zoning Board (PZB) will conduct a meeting at 7 North Dixie Highway, Lake Worth Beach on **Wednesday, July 20, 2022 at 6:00 pm** or as soon thereafter to consider the following application.

PZB Project # 22-00500007: A request by Gifted Kids Therapy for consideration of a Blanket Conditional Use Permit to allow an outpatient clinic/medical office to be located at 409 South Dixie Highway, PCN # 38-43-44-21-15-149-0210. The property is located within the Mixed Use-Dixie Highway zoning district.

The public can view the meeting via YouTube at <https://www.youtube.com/c/CityofLakeWorthBeach>. The agenda and back-up materials are available at <https://lakeworthbeachfl.gov/government/advisory-board-agendss-and-minutes/>

Public comment will be accommodated in person at the meeting, or virtually prior to the meeting through the web portal: <https://lakeworthbeachfl.gov/virtual-meetings/>. If you are unable to access the web portal, please email pzoning@lakeworthbeachfl.gov for a comment to be read into the record by a staff member. Written responses or comments can be sent to the Department for Community Sustainability Planning and Zoning Division, 1900 2nd Avenue North, Lake Worth Beach, FL 33461 and must arrive before the hearing date to be included in the formal record.

Affected parties, as defined in Section 23.1-12 of the Lake Worth Beach Code of Ordinances, who are interested in participation must notify the City of their status at least five (5) days before the hearing. Failure to follow the process will be considered a waiver of the right to participate as affected party in the hearing, but does not preclude the party from making public comment. Affected parties shall submit the evidence they wish the City Commission to consider a minimum of one (1) full business day prior to the date of the meeting. Affected parties, whether individually or collectively and irrespective of the number of affected parties, shall have the right to request one (1) continuance provided that the request is to: address neighborhood concerns or new evidence, hire legal counsel or a professional services consultant, or is unable to be represented at the hearing. For additional information, please contact City staff at 561-586-1687 or pzoning@lakeworthbeachfl.gov.

If a person decides to appeal any decision made by the Board, Agency, or Commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (FS 286.0105). **In accordance with the provisions of the American with Disabilities Act (ADA) this document may be requested in an alternative format. Persons in need of special accommodation to participate in this proceeding are entitled to the provision of certain assistance. Please call 561-586-1687 or email pzoning@lakeworthbeachfl.gov no later than five (5) days before the hearing if this assistance is required.**

Publish: The Lake Worth Herald
July 7, 2022

Legal Notice No. 40610

PLEASE TAKE NOTICE that the City of Lake Worth Beach's Planning and Zoning Board (PZB) will conduct a meeting at 7 North Dixie Highway, Lake Worth Beach on **Wednesday, July 20, 2022 at 6:00 pm** or as soon thereafter to consider the following application.

PZB Project # 22-00500006: A request by Demand Distribution for consideration of a Conditional Use Permit to allow a ±8,000 square foot wholesale/distribution facility located at 1807 6th Avenue North, PCN #s 38-43-44-21-02-023-0030. The property is located within the Industrial Park of Commerce zoning district.

The public can view the meeting via YouTube at <https://www.youtube.com/c/City-ofLakeWorthBeach>. The agenda and back-up materials are available at <https://lakeworthbeachfl.gov/government/advisory-board-agendas-and-minutes/>

Public comment will be accommodated in person at the meeting, or virtually prior to the meeting through the web portal: <https://lakeworthbeachfl.gov/virtual-meetings/>. If you are unable to access the web portal, please email pzoning@lakeworthbeachfl.gov for a comment to be read into the record by a staff member. Written responses or comments can be sent to the Department for Community Sustainability Planning and Zoning Division, 1900 2nd Avenue North, Lake Worth Beach, FL 33461 and must arrive before the hearing date to be included in the formal record.

Affected parties, as defined in Section 23.1-12 of the Lake Worth Beach Code of Ordinances, who are interested in participation must notify the City of their status at least five (5) days before the hearing. Failure to follow the process will be considered a waiver of the right to participate as affected party in the hearing, but does not preclude the party from making public comment. Affected parties shall submit the evidence they wish the City Commission to consider a minimum of one (1) full business day prior to the date of the meeting. Affected parties, whether individually or collectively and irrespective of the number of affected parties, shall have the right to request one (1) continuance provided that the request is to: address neighborhood concerns or new evidence, hire legal counsel or a professional services consultant, or is unable to be represented at the hearing. For additional information, please contact City staff at 561-586-1687 or pzoning@lakeworthbeachfl.gov.

If a person decides to appeal any decision made by the Board, Agency, or Commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (FS 286.0105). **In accordance with the provisions of the American with Disabilities Act (ADA) this document may be requested in an alternative format. Persons in need of special accommodation to participate in this proceeding are entitled to the provision of certain assistance. Please call 561-586-1687 or email pzoning@lakeworthbeachfl.gov no later than five (5) days before the hearing if this assistance is required.**

Publish: The Lake Worth Herald
July 7, 2022

PLEASE TAKE NOTICE that the City of Lake Worth Beach's Planning and Zoning Board (PZB) will conduct a meeting at 7 North Dixie Highway, Lake Worth Beach on **Wednesday, August 3, 2022 at 6:00 pm** or as soon thereafter to consider the following application.

PZB Project Number 22-01400010: Consideration of a Major Site Plan and Conditional Use Permit request to construction of a new 16,803 square foot fleet maintenance, public works offices and emergency operations center (EOC) to replace the existing fleet maintenance facility at 1749 3rd Ave S. The subject site is zoned Public (P) and has a future land use designation of Public (P).

The public can view the meeting via YouTube at <https://www.youtube.com/c/CityofLakeWorthBeach>. The agenda and back-up materials are available at <https://lakeworthbeachfl.gov/government/advisory-board-agendas-and-minutes/>.

Public comment will be accommodated in person at the meeting, or virtually prior to the meeting through the web portal: <https://lakeworthbeachfl.gov/virtual-meetings/>. If you are unable to access the web portal, please email pzoning@lakeworthbeachfl.gov for a comment to be read into the record by a staff member. Written responses or comments can be sent to the Department for Community Sustainability Planning and Zoning Division, 1900 2nd Avenue North, Lake Worth Beach, FL 33461 and must arrive before the hearing date to be included in the formal record.

Affected parties, as defined in Section 23.1-12 of the Lake Worth Beach Code of Ordinances, who are interested in participation must notify the City of their status at least five (5) days before the hearing. Failure to follow the process will be considered a waiver of the right to participate as affected party in the hearing, but does not preclude the party from making public comment. Affected parties shall submit the evidence they wish the City Commission to consider a minimum of one (1) full business day prior to the date of the meeting. **Affected parties, whether individually or collectively and irrespective of the number of affected parties, shall have the right to request one (1) continuance** provided that the request is to: address neighborhood concerns or new evidence, hire legal counsel or a professional services consultant, or is unable to be represented at the hearing. For additional information, please contact City staff at 561-586-1687 or pzoning@lakeworthbeachfl.gov.

If a person decides to appeal any decision made by the Board, Agency, or Commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (FS 286.0105). **In accordance with the provisions of the American with Disabilities Act (ADA) this document may be requested in an alternative format. Persons in need of special accommodation to participate in this proceeding are entitled to the provision of certain assistance. Please call 561-586-1687 or email pzoning@lakeworthbeachfl.gov no later than five (5) days before the hearing if this assistance is required.**

Publish: The Lake Worth Herald
July 21, 2022

Ordinance 2022-15

PLEASE TAKE NOTICE that the City of Lake Worth Beach's Planning and Zoning Board (PZB) will conduct a meeting at 7 North Dixie Highway, Lake Worth Beach on **Wednesday, August 3, 2022 at 6:00 pm** or as soon thereafter to consider the following application.

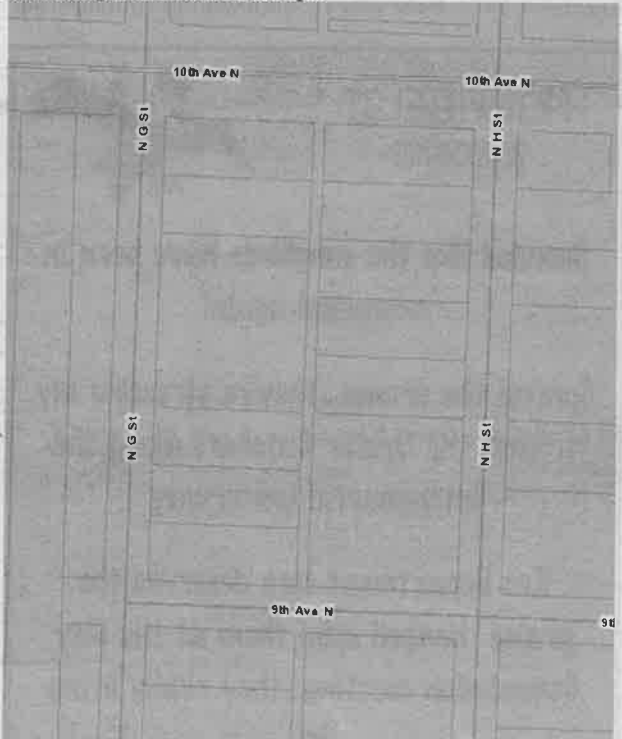
PZB Project # 22-00900002 (Ordinance 2022-15): Consideration of a Mixed Use Urban Planned Development, Major Site Plan, Conditional Use Permit (CUP), and Sustainable Bonus Incentive Program (SBIP) requests for Lake Worth Station at 930 N G Street to construct an approximately 5-story, 81 dwelling unit development in which 39 units may qualify as workforce housing multi-family residential structure and office space. The sustainable bonus request is for additional density, intensity, and height. The property is zoned Transit Oriented Development - East (TOD-E).

The public can view the meeting via YouTube at <https://www.youtube.com/c/CityofLakeWorthBeach>. The agenda and back-up materials are available at <https://lakeworthbeachfl.gov/government/advisory-board-agendas-and-minutes/>.

Public comment will be accommodated in person at the meeting, or virtually prior to the meeting through the web portal: <https://lakeworthbeachfl.gov/virtual-meetings/>. If you are unable to access the web portal, please email pzoning@lakeworthbeachfl.gov for a comment to be read into the record by a staff member. Written responses or comments can be sent to the Department for Community Sustainability Planning and Zoning Division, 1900 2nd Avenue North, Lake Worth Beach, FL 33461 and must arrive before the hearing date to be included in the formal record.

Affected parties, as defined in Section 23.1-12 of the Lake Worth Beach Code of Ordinances, who are interested in participation must notify the City of their status at least five (5) days before the hearing. Failure to follow the process will be considered a waiver of the right to participate as affected party in the hearing, but does not preclude the party from making public comment. Affected parties shall submit the evidence they wish the City Commission to consider a minimum of one (1) full business day prior to the date of the meeting. **Affected parties, whether individually or collectively and irrespective of the number of affected parties, shall have the right to request one (1) continuance** provided that the request is to: address neighborhood concerns or new evidence, hire legal counsel or a professional services consultant, or is unable to be represented at the hearing. For additional information, please contact City staff at 561-586-1687 or pzoning@lakeworthbeachfl.gov.

If a person decides to appeal any decision made by the Board, Agency, or Commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (FS 286.0105). **In accordance with the provisions of the American with Disabilities Act (ADA) this document may be requested in an alternative format. Persons in need of special accommodation to participate in this proceeding are entitled to the provision of certain assistance. Please call 561-586-1687 or email pzoning@lakeworthbeachfl.gov no later than five (5) days before the hearing if this assistance is required.**



Publish: The Lake Worth Herald
July 21, 2022

PLANNING AND ZONING BOARD REPORT

PZB Project Number 22-00500007: A Blanket Conditional Use request for multiple conditional uses as provided for in LDR Section 23.3-6 for Gifted Kids Therapy located at 409 South Dixie Highway. Gifted Kids Therapy is requesting consideration of the establishment of an applied behavior analysis center designated as an outpatient clinic/medical office use by LDR Section 23.3-6. The subject site is zoned Mixed Use - Dixie Highway (MU-DH) and has a future land use designation of Mixed Use – East (MU-E).

Meeting Date: July 20, 2022

Property Owner: Zahir Esmail – Tropical Point Plaza, Inc.

Applicant: Zahir Esmail – Tropical Point Plaza, Inc.

Project Manager: Yigsy Lemos – Gifted Kids Therapy

Address: 409 S Dixie Hwy # 4 & 5

PCNs: 38-43-44-21-15-149-0210

Size: 0.2946 ac Lot / 5,420 sf. Existing Structures

General Location: West side of Dixie Highway (US Highway 1) between 4th Avenue South and 5th Avenue South

Existing Land Use: Retail/Commercial

Current Future Land Use Designation: Mixed Use – East (MU-E)

Zoning District: Mixed Use – Dixie Highway (MU-DH)

Location Map



RECOMMENDATION

The documentation and materials provided with the application request were reviewed for compliance with the applicable guidelines and standards found in the City of Lake Worth Beach Land Development Regulations (LDRs), and for consistency with the Comprehensive Plan and Strategic Plan. The proposed Blanket Conditional Use Permit request is consistent with the Comprehensive Plan, Strategic Plan, and LDRs, as conditioned, and, therefore, a **recommendation of approval with conditions** is provided to the Planning and Zoning Board. The conditions are located on page 6 of this report.

PROJECT DESCRIPTION

The applicant, Zabir Esmail, is requesting a Blanket Conditional Use Permit (CUP) to allow for several uses less than 7,500 square feet that could occur within the 5,420-sf commercial structure, as follows:

- Outpatient Clinics/Medical Office (including the 1,840 square feet Gifted Kid Therapy business)
- Financial Institution without Drive Through
- Printing Services
- Veterinary Office without Kennels
- Health Clinics/Urgent Care
- Pet Grooming without Boarding
- Personal Grooming & Day Spa
- Gyms/Studio, Fitness or Dance
- Dry Cleaning Establishment with on-site cleaning
- Single-destination Retail
- Administrative/Professional Office

COMMUNITY OUTREACH

Staff has not received any letters of support or opposition for this application.

BACKGROUND

Below is a summary of the property based on Palm Beach Property Appraiser's records and City records:

Construction: The existing structure was constructed in 1977. Per the survey provided, the existing building is 5,420 sf.

Use: The property's use is commercial/retail.

Code Compliance: There are no active code cases on the subject site.

ANALYSIS

Consistency with the Comprehensive Plan and Strategic Plan

The subject site has a Future Land Use (FLU) designation of Mixed Use – East (MU-E). The MU-E FLU is intended to provide for a mixture of residential, office, service and commercial retail uses within specific areas east of I-95, near or adjacent to the central commercial core and major thoroughfares of the City. The maximum density of permitted residential development is 30 dwelling units per acre. The preferred mix of uses area-wide is 75% residential and 25% non-residential. While mixed-use projects are allowed on a single site, it is not a requirement that each site within the category incorporate multiple uses. Zoning regulations implementing the Mixed-Use East category shall permit the establishment and expansion of residential (including single family, two-family and multi-family), office, service and commercial retail uses either as uses permitted by right or through conditional use permit provisions. All buildings are required to provide

transitional buffering and design features to mitigate impact of the MU-E sites adjacent to residential zoning districts. The proposed request is seeking to add multiple conditional uses to be allowed in the existing 5,420 square foot commercial building.

The City's Strategic Plan focuses on fostering safer neighborhoods, encouraging community pride, building a vibrant and diverse economy, planning for the future, and enhancing the natural, historic, and cultural environment of the City. Pillar IV.A and Pillar IV.D of the Strategic Plan state that the City shall achieve economic and financial sustainability through a versatile and stable tax base, and influence the supply and expansion of jobs. Because the proposed Blanket Conditional Use will allow for the establishment of several medium to low-intensity uses that will contribute towards the City's tax base and sustain or increase jobs, the proposal is consistent with Pillar IV.A and Pillar IV.D.

Based on the analysis above, the proposed Blanket Conditional Use request is consistent with the goals, objectives, and policies of the City of Lake Worth Beach's Comprehensive Plan and Strategic Plan.

Consistency with the Land Development Regulations

The **Mixed Use-Dixie Highway (MU-DH) zoning district** *is intended to provide the establishment and expansion of a broad range of office and commercial uses, including higher density residential use. Certain commercial uses are not permitted in the district because they will be detrimental to the shopping or office functions of the area. The establishment of certain uses is subject to conditional use review to ensure they will not have a negative impact on nearby residential uses or on the commercial viability of their neighbors. The district implements in part the downtown mixed-use land use category of the Lake Worth Comprehensive Plan.*

Analysis: The applicant is requesting a Blanket Conditional Use Permit to allow several low (use area less than 2,500 square feet and low intensity impact uses) to medium-intensity (use area less than 7,500 square feet and/or medium intensity impact uses) uses. A majority of the uses requested will have low impacts to the adjacent properties. Based on the data and analysis provide by the applicant, the proposed conditional uses are not anticipated to impact the surrounding area greater than multiple uses permitted by right or greater than the previous radio station use on the property. The building will be served by municipal services, including water, sewer, refuse, fire and police. The site is located on an arterial roadway. Therefore, no additional public expenditures are required to service the proposed use.

The applicant initially requested an outpatient clinic/medical office per LDR Section 23.3-6, to be located at this site. The use requires a conditional use permit and is also subject to additional supplemental regulations per LDR Section 23.4-13(c)15., *Medical related uses*. During the application process, the owner indicated that tenant occupancy has been difficult in some cases due to the approval process for specific requested uses. Staff recommended the applicant request a blanket conditional use permit to minimize continued challenges with tenant occupancy. The blanket conditional use permit request will not capture all of the low to medium intensity uses related to residential, industrial, institutional, commercial and retail use classifications that may have adverse impacts or are generally not compatible in a small-scale building and will require a separate review by the Planning and Zoning Board (PZB).

The outpatient clinic/medical office and the health clinics/urgent care uses are added to the conditional use permit request. Both uses are subject to additional supplemental regulations per LDR Section 23.4-13(c)15., *Medical related uses*. The uses are consistent with the intent of the MU-DH zoning district as conditioned. The analysis for the blanket conditional use permit is provided in this section below and as consistent with the review criteria located in Attachment A.

The Department of Community Sustainability is tasked in the LDRs to review conditional use applications for consistency with the City's LDRs (Section 23.2-29(i)), for compliance with the following findings for granting conditional uses and to provide a recommendation on the proposed project.

Section 23.2-29.a), Conditional Use Permits: *Conditional uses are defined as generally compatible with the other uses permitted in a district, but that require individual review of their location, design, structure, configuration, density and intensity of use, and may require the imposition of pertinent conditions to ensure the appropriateness and compatibility of the use at a particular location and to prevent or minimize potential adverse impacts to the surrounding area.*

Section 23.2-29.b), Approval Authority: *The planning and zoning board, in accordance with the procedures, standards and limitations of this section, shall approve, approve with conditions, or deny an application for a development permit for a conditional use permit after review and recommendation by the development review official.*

Analysis: A recommendation by the development review official is provided on page 2 of this report, under Recommendation.

Section 23.2-29.c), General Procedures: *The department for community sustainability shall review the application in accordance with these LDRs and prepare a report that summarizes the application and the effect of the proposed conditional use, including whether the application complies with each of the findings for granting conditional uses stated below and provide a recommendation for whether the application should be approved, approved with conditions, or denied.*

Staff Analysis: The structure on the property was constructed in the 1970s. The existing site conditions do not conform to the current LDRs; therefore, the nonconformities section of the land development regulations, LDR Section 23.5-3 is applicable. The existing nonconformities are not proposed to be increased or negatively impacted by the subject Conditional Use request. **The proposed Conditional Use is consistent with the City's LDRs on the following data and analysis:**

Per LDRs Section 23.4-10.f)2.A., Exceptions. *Parking is not required for changes in use or occupancy or remodeling of existing buildings which do not increase floor area or number of overall existing dwelling units, located outside of the single-family residential SF-R zoning district.*

Staff Analysis: The request is for the conditional uses without increasing the existing building floor area; therefore, additional parking spaces are not required.

Signage: Signage is required to comply with the size and design requirements in the Land Development Regulations. Any proposed signage will be reviewed at building permit for consistency with these requirements.

Section 23.6-1. - Landscape regulations: *The objective of this section is to provide minimum standards for the installation and maintenance of landscaping within the city. Per Section 23.6-1(c)(2), "on the site of a building or open-lot use providing an off-street parking, storage or other vehicular use area, where such an area will not be screened visually by an intervening building or structure from an abutting right-of-way or dedicated alley, shall require landscaping".*

Analysis: The site currently contains 3 trees amongst shrubbery, all of which is located around the parking lot in front of the building. The application and site were reviewed by city staff for current compliance with the landscape code. Upon visiting the site, staff observed 1 of the required Green Buttonwood Trees is missing, and found the site to be out of conformance with the Major Thoroughfare Design Guidelines. As such, staff has provided a condition of approval which would require the replacement of the missing tree that will place the property into further conformance with the Major Thoroughfare Design Guidelines as well as Section 23.6-1.

Findings for Granting Conditional Uses

Prior to approving any conditional use permit, the decision-making authority shall find based on competent and substantial evidence that the following criteria related to conditional uses are met:

Section 23.2-29.d) General findings relating to harmony with LDRs and protection of public interest.

Staff Analysis: The proposed conditional uses are in general harmony with the surrounding area and consistent with development of the corridor. The requested uses are anticipated uses in the Mixed-Use Dixie Highway (MU-DH) zoning district. The proposed uses will not result in less public benefit nor will it result in more intensive development than anticipated in the zoning district in the comprehensive plan. However, it was noted in the review that there is no existing screened refuse area on the property and the existing pole sign is required to be removed per Section 23.5-1.i). Therefore, staff has proposed two conditions of approval addressing these concerns.

Section 23.2-29.e) Specific findings for all conditional uses.

Staff Analysis: The proposed conditional uses are not anticipated to impact the surrounding area greater than uses allowed on the property and within the zoning district. The building is already served by municipal services, including water, sewer, refuse, fire and police. The site is located on an arterial roadway. Therefore, no additional public expenditures are required to service the proposed use. The proposed use will not impact traffic circulation on the site and staff will condition additional landscaping provisions to ensure adequate screening is continuously provided. However,

Section 23.2-29.g) Additional requirements.

Staff Analysis: As of the date of this report transmittal, there are no active code compliance cases for the subject property.

CONCLUSION AND CONDITIONS

The Mixed Use-Dixie Highway (MU-DH) zoning district is intended to provide the establishment and expansion of a broad range of office and commercial uses, including higher density residential use. Certain commercial uses are not permitted in the district because they will be detrimental to the shopping or office functions of the area. The establishment of certain uses is subject to conditional use review to ensure they will not have a negative impact on nearby residential uses or on the commercial viability of their neighbors. The district implements in part the downtown mixed-use land use category of the Lake Worth Comprehensive Plan. Development in the mixed-use land use category should be guided to minimize negative impacts on nearby mixed-use areas. Uses identified as conditional uses are subject to additional review to ensure they will not have a negative impact on nearby residential uses or on the commercial viability of their neighbors. Based on the data and analysis in this report and the supporting materials by the applicant, the uses requested are not anticipated to negatively impact adjacent properties. Further, the proposed conditional uses will be compatible with the neighboring uses. Therefore, a recommendation of approval is provided to the PZB with the following conditions:

Planning & Zoning

1. The Blanket Conditional Use Permit (CUP) includes the following uses within the approximately 5,420 sf commercial building subject to all applicable conditions of approval and business license approval:
 - a. Outpatient Clinics/Medical Office (including the 1,840 square feet Gifted Kid Therapy business)
 - b. Financial Institution without Drive Through
 - c. Printing Services
 - d. Veterinary Office without Kennels
 - e. Health Clinics/Urgent Care
 - f. Pet Grooming without Boarding
 - g. Personal Grooming & Day Spa
 - h. Gyms/Studio, Fitness or Dance
 - i. Dry Cleaning Establishment with on-site cleaning
 - j. Single-destination Retail

- k. Administrative/Professional Office
2. Health Clinics/Urgent Care and Outpatient Clinics/Medical Office shall comply with the following supplemental regulations per LDR Section 23.4-13(c)15., *Medical related uses*:
 - a. Hours of operation shall be weekdays anytime between 8:00 a.m. to 8:00 p.m., unless an operational waiver allowing expanded hours is granted by the appropriate board. A waiver may be granted if it can be established that operating hours beyond the specified times will not constitute a nuisance or negatively affect surrounding properties. Under no circumstances shall a waiver be granted if the property is located next to a residential zoning district.
 - b. Once established, said use may not be expanded without conditional use approval regardless of increased size of use.
 - c. All medical services to be provided at said location must be included on the business license application and updated annually should the array of services change or expand. Changes in services and/or expansion of types of services will be evaluated to determine whether the additional services would constitute an expansion of use requiring an updated conditional use approval.
3. Within one (1) year after the issuance the development order, the property shall submit a minor site plan to address the removal of the pole sign and the addition of a fully screened refuse area. The removal of two (2) parking spaces shall be permitted to accommodate a screened refuse area. The location of the screened refuse area shall comply LDR requirements and be approved by the Public Works Department.
4. Documentation that PBC Wellfield Permit affidavit of notification is required to be submitted to PBC Environmental Resources Management is required for all tenants prior to the issuance of a business license.
5. The use, handling, production and storage of regulated substances in wellfield zones as defined in the PBC Unified Land Development Code shall be prohibited as provided for in the requirements of the PBC Wellfield Ordinance (ULDC, Article 14, Chapter B).
6. All uses shall meet all the requirements and stipulations set forth in City Code Section 15-24, Noise control.
7. Per City Code Section 14-32 and LDR Section 23.2-23, the occupant must obtain and maintain the applicable annual Use and Occupancy Certificates (U&O) and Business Tax Receipts (BTR) for the new use and will need to maintain the license with renewals. This occupant must also obtain a City of Lake Worth Beach business license. This approval letter only applies to this address, 409 South Dixie Highway, and will not constitute approval for any new location.
8. The City shall revoke the business license and the approval of the conditional use permit if the property is declared a chronic nuisance as result of or related to the operations of either the requested uses.
9. All uses shall comply with the use occupancy requirements for each tenant space as required by the Florida Building Code.
10. Signage shall be reviewed through the building permit process for consistency with the requirements of the Land Development Regulations.

Landscaping Services

1. Prior to issuance of a business license, a landscape permit to plant one (1) Green Buttonwood tree in the landscape area south of the driveway adjacent to South Dixie Highway.
2. Landscaping shall be installed and inspected prior to issuance of a business license.

BOARD POTENTIAL MOTION:

I move to **approve with conditions** the request for PZB Project Number 22-00500007 Conditional Use Permit based on upon the competent and substantial evidence provided in the staff report and in the testimony at the public hearing.

I move to **disapprove** the request for PZB Project Number 22-00500007 Conditional Use Permit. The project does not meet the conditional use criteria for the following reasons [Board member please state reasons.].

Consequent Action: *The Planning & Zoning Board's decision will be final decision for the Conditional Use Permit and Major Site Plan. The Applicant may appeal the Board's decision to the City Commission.*

ATTACHMENTS

- A. Conditional Use Findings
- B. Application Package (survey, site plan, architectural plans & supporting documents)

ATTACHMENT A - Findings for Granting Conditional Uses

Section 23.2-29(d) General findings relating to harmony with LDRs and protection of public interest.	Analysis
1. <i>The conditional use exactly as proposed at the location where proposed will be in harmony with the uses which, under these LDRs and the future land use element, are most likely to occur in the immediate area where located.</i>	In compliance
2. <i>The conditional use exactly as proposed at the location where proposed will be in harmony with existing uses in the immediate area where located.</i>	In compliance
3. <i>The conditional use exactly as proposed will not result in substantially less public benefit or greater harm than would result from use of the site for some use permitted by right or some other conditional use permitted on the site.</i>	In compliance
4. <i>The conditional use exactly as proposed will not result in more intensive development in advance of when such development is approved by the future land use element of the comprehensive plan.</i>	In compliance
Section 23.2-29(e) Specific findings for all conditional uses.	Analysis
1. <i>The proposed conditional use will not generate traffic volumes or movements which will result in a significant adverse impact or reduce the level of service provided on any street to a level lower than would result from a development permitted by right.</i>	In compliance
2. <i>The proposed conditional use will not result in a significantly greater amount of through traffic on local streets than would result from a development permitted by right and is appropriately located with respect to collector and arterial streets</i>	In compliance
3. <i>The proposed conditional use will not produce significant air pollution emissions, or will appropriately mitigate anticipated emissions to a level compatible with that which would result from a development permitted by right.</i>	In compliance
4. <i>The proposed conditional use will be so located in relation to the thoroughfare system that neither extension nor enlargement nor any other alteration of that system in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.</i>	In compliance
5. <i>The proposed conditional use will be so located in relation to water lines, sanitary sewers, storm sewers, surface drainage systems and other utility systems that neither extension nor</i>	In compliance

enlargement nor any other alteration of such systems in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.

6. *The proposed conditional use will not place a demand on municipal police or fire protection service beyond the capacity of those services, except that the proposed facility may place a demand on municipal police or fire protection services which does not exceed that likely to result from a development permitted by right.* **In compliance**
7. *The proposed conditional use will not generate significant noise, or will appropriately mitigate anticipated noise to a level compatible with that which would result from a development permitted by right. Any proposed use must meet all the requirements and stipulations set forth in section 15.24, Noise control.* **In compliance**
8. *The proposed conditional use will not generate light or glare which encroaches onto any residential property in excess of that allowed in section 23.4-10, Exterior lighting.* **In compliance**

Sec. 23.4-13.(c)15. - Administrative uses and conditional uses/Standards/Medical related uses	Analysis
1. <i>All such uses shall front a major thoroughfare;</i>	In compliance
2. <i>Hours of operation shall be weekdays anytime between 8:00 a.m. to 8:00 p.m., unless an operational waiver allowing expanded hours is granted by the appropriate board. A waiver may be granted if it can be established that operating hours beyond the specified times will not constitute a nuisance or negatively affect surrounding properties. Under no circumstances shall a waiver be granted if the property is located next to a residential zoning district;</i>	In compliance as conditioned
3. <i>Sufficient/adequate parking shall be documented to serve the needs of the doctors, staff, clients and patients of said use;</i>	In compliance
4. <i>In the DT zoning district, said uses may be established only if fronting Dixie Highway. No waiver or variance shall be granted for this requirement;</i>	Not applicable
5. <i>Said uses may not be established on properties that have frontages on either Lake Avenue or Lucerne Avenue. No waiver or variance shall be granted for this requirement;</i>	Not applicable
6. <i>Once established, said use may not be expanded without conditional use approval regardless of increased size of use;</i>	In compliance as conditioned
7. <i>All medical services to be provided at said location must be included on the business license application and updated annually should the array of services change or expand. Changes in services and/or expansion of types of services will be evaluated to determine whether the additional services would constitute an expansion of use requiring an updated conditional use approval.</i>	In compliance as conditioned

PLANNING AND ZONING BOARD REPORT

PZB Project Number 22-00500006: Consideration of a **Conditional Use Permit** request to establish *wholesale/distribution facility* use in the Industrial Park of Commerce (I-POC) zoning district located at 1807 6th Avenue North. The request is to establish the proposed use (±8,000 square feet) within the current ±34,657 square foot industrial building.

Meeting Date: August 3, 2022

Property Owner: Maria Romanelli - Lake Worth Industrial Properties, Inc.

Applicant: Rezaul Khan – American Access, LLC.

Address: 1807 6th Avenue North

PCN: 38-43-44-21-02-023-0030

Size: 2.24-Acre Lot / 34,657 square feet of Existing Structures (8,000 square feet use area)

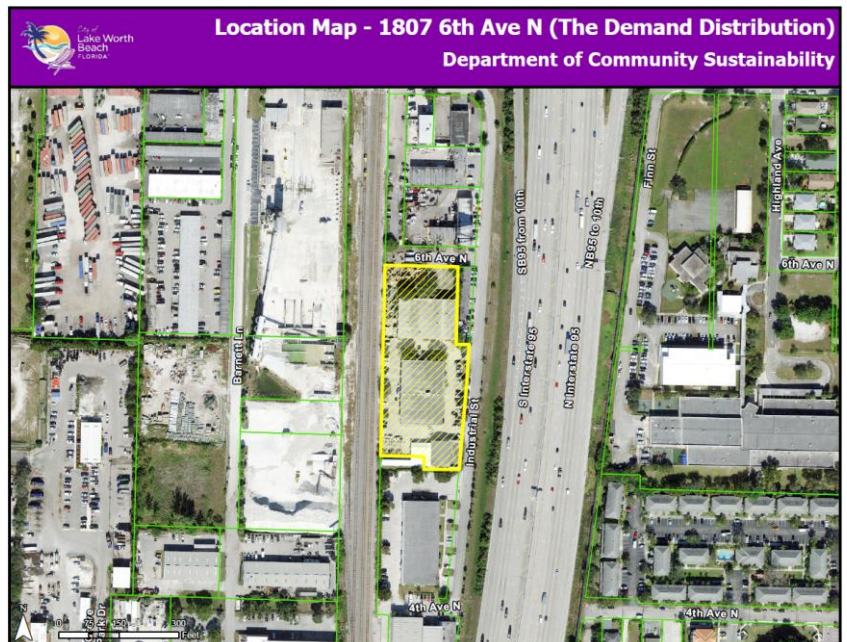
General Location: West of Industrial Street and south of 6th Avenue North

Existing Land Use: Warehouse

Current Future Land Use Designation: Industrial (I)

Zoning District: Industrial Park of Commerce (I-POC)

Location Map



RECOMMENDATION

The documentation and materials provided with the application request were reviewed for compliance with the applicable guidelines and standards found in the City of Lake Worth Beach Land Development Regulations (LDRs) and for consistency with the Comprehensive Plan and Strategic Plan. The proposed Conditional Use Permit is consistent with the Comprehensive Plan, Strategic Plan, and LDRs, as conditioned. A recommendation of approval with conditions is provided to the Planning and Zoning Board. The conditions are outlined on page 5-6 of this report, and also address minor site plan requirements that were not previously installed per the 1993 site plan approval.

PROJECT DESCRIPTION

The applicant, Rezaul Khan with American Access, LLC., is requesting a **Conditional Use Permit (CUP)** to establish a wholesale/distribution facility use ($\pm 8,000$ square feet) in the Industrial Park of Commerce (I-POC) zoning district located at 1807 6th Avenue North. The subject site is located West of Industrial Street and south of 6th Avenue North. According to the property appraiser, the subject site is included in an existing $\pm 34,657$ square foot industrial building. The building is currently configured as warehouse space. No additional site improvements are being proposed with this application.

According to the applicant, American Access, LLC., is a wholesale distribution facility for convenience store and gas station products. The business activities will include sorting and repacking of merchandise to be shipped to multiple locations. The use is entirely enclosed and not open to the public. American Access does not sell any product to the public. The use is not a retail-based business or operation and is not approved for the sale of the any product. The facility will operate Monday through Saturday from 7:00 A.M. to 5 P.M., with a maximum number of three (3) employees.

The structure, when approved in 1993, was permitted to have warehouse-type uses. The applicant is requesting a wholesale/distribution facility use to be located within the building which will require a conditional use permit. The applicant has informed staff that deliveries of product is generally three (3) to four (4) times per week, typically one delivery per day. Deliveries are made by semi-trailer or box trucks between the hours of 11:00 A.M. and 3:00 P.M. The loading and delivery areas for the business are located on the south side of the building.

A wholesale/distribution facility use is allowed in the I-POC zoning district subject to a Conditional Use Permit approval.

COMMUNITY OUTREACH

Staff has not received any letters of support or opposition for this application.

BACKGROUND

Construction: The existing structures were constructed in the 1980's and 1990's. Per the plans provided, existing building footprint totals $\pm 34,657$ square feet.

In 1993, the City Commission conditionally approved the development of the Romanelli Rental Warehouses project to add two additional warehouse structures (Building A and Building B) consisting of a total of $\pm 36,000$ square feet including a landscape plan, drainage plan, and additional site improvements.

Further review of the staff records and property appraiser records found that, in 1995, a 1,344 square foot rental warehouse structure was added to Building A. It appears that the new rental warehouse structure modified the landscaping and stormwater retention area.

Use: The property's use is Warehouse. Rezaul Khan, representing Demand Distribution, will be operating a wholesale/distribution facility at the site and does not have an active business license.

Code Compliance: There are no open code violations on the subject site

ANALYSIS

Consistency with the Comprehensive Plan and Strategic Plan

The subject site has a Future Land Use (FLU) designation of Industrial (I). Per Policy 1.1.1.10, The Industrial land use category is intended to provide for the establishment and enlargement of office, manufacturing and light to moderate industrial uses that would be incompatible in other areas of the city due to increased traffic generation. The implementing zoning district is I-POC. The proposed use of aquaculture/hydroponic farming use is allowed in the I-POC zoning district as a Conditional Use. The proposal is associated with an existing ±34,657 square foot building. Therefore, the proposal can be deemed consistent with the intent and desired uses for the Industrial FLU.

The City's Strategic Plan focuses on fostering safer neighborhoods, encouraging community pride, building a vibrant and diverse economy, planning for the future, and enhancing the natural, historic, and cultural environment of the City. Pillar IV.A and Pillar IV.D of the Strategic Plan state that the City shall achieve economic and financial sustainability through a versatile and stable tax base, and influence the supply and expansion of jobs. Because the proposed Conditional Use will allow for the establishment of a heavy intensity industrial use (wholesale/distribution facility) that will contribute towards the City's tax base and sustain or increase jobs, the proposal is consistent with Pillar IV.A and Pillar IV.D.

Based on the analysis above, the proposed Conditional Use Permit request is consistent with the goals, objectives, and polices of the City of Lake Worth Beach's Comprehensive Plan and Strategic Plan.

Consistency with the City's Land Development Regulations

The Industrial Park of Commerce (I-POC) zoning district *is intended to provide for the establishment and enlargement of office, manufacturing and light industrial uses without restriction on traffic generating characteristics. The industrial park of commerce district is also intended to permit establishment of certain other uses which are compatible with industrial operations. Development in the industrial land use category should be guided to minimize negative impacts on nearby residential areas.*

Analysis: The proposed wholesale/distribution facility use requested is consistent with the intent of the I-POC zoning district as conditioned. However, during the conditional use review, staff discovered that the stormwater/retention area located at the northwest corner of the 1993 proposal (two new rental warehouse structures) and the 1995 proposal (an addition to one of the new rental warehouse structures) was never developed as conditioned. Therefore, a condition of approval has been added to require the on-site stormwater improvements within one (1) year, or alternate improvements that meet current stormwater requirements as approved by the City Engineer. Should the improvements not be completed within the one (1) year timeframe, the property will be issued a code violation for non-compliance with the development order.

The analysis for both the blanket conditional use permit and the major site plan is provided in this section below and as consistent with the review criteria located in Attachments A & B.

Section 23.6-1. - Landscape regulations: *The objective of this section is to provide minimum standards for the installation and maintenance of landscaping within the city. Per Section 23.6-1(c)(2), "on the site of a building or open-lot use providing an off-street parking, storage or other vehicular use area, where such an area will not be screened visually by an intervening building or structure from an abutting right-of-way or dedicated alley, shall require landscaping".*

Analysis: The “Rental Warehouse” was constructed 1993 and the original Landscape Plan provided perimeter landscaping and shade trees consisting of a mixture of Native and Non-Native trees and shrubs. Although the original landscape plan may have complied with the landscape code that was in place at the time, the current landscape has the deficiencies. Staff will propose conditions for the replacement of perimeter landscaping, screening of mechanical equipment, and preventing encroachment of vehicles into landscaped areas.

The Department of Community Sustainability is tasked in the LDRs to review conditional use applications for consistency with the City’s LDRs [Section 23.2-29(i)], for compliance with the following findings for granting conditional uses and to provide a recommendation on the proposed project.

Section 23.2-29(a), Conditional Use Permits: *Conditional uses are defined as generally compatible with the other uses permitted in a district, but that require individual review of their location, design, structure, configuration, density and intensity of use, and may require the imposition of pertinent conditions to ensure the appropriateness and compatibility of the use at a particular location and to prevent or minimize potential adverse impacts to the surrounding area.*

Section 23.2-29(b), Approval Authority: *The planning and zoning board, in accordance with the procedures, standards and limitations of this section, shall approve, approve with conditions, or deny an application for a development permit for a conditional use permit after review and recommendation by the development review official.*

Analysis: A recommendation by the development review official is provided on page 2 of this report, under Recommendation.

Section 23.2-29(c), General Procedures: *The department for community sustainability shall review the application in accordance with these LDRs and prepare a report that summarizes the application and the effect of the proposed conditional use, including whether the application complies with each of the findings for granting conditional uses stated below and provide a recommendation for whether the application should be approved, approved with conditions, or denied.*

Staff Analysis: The structures on the property completed construction in the 1990’s. The buildings and site currently do not conform to the current LDRs; therefore, the nonconformities section of the land development regulations, LDR Section 23.5-3 is applicable. The existing nonconformities are not proposed to be increased or negatively impacted by the subject Conditional Use request. **The proposed conditional use is consistent with the City’s LDRs as conditioned based on the following data and analysis:**

Off-Street Parking

Per LDRs Section 23.4-10.f)2.A., Exceptions. *Parking is not required for changes in use or occupancy or remodeling of existing buildings which do not increase floor area or number of overall existing dwelling units, located outside of the single-family residential SF-R zoning district.*

Staff Analysis: The entire site area has a total of 49 parking spaces with two parking spaces designated as handicap spaces. The subject area, located at 1807 6th Avenue North, will utilize the existing parking spaces at the north end of the site. Parking is located at the north end of the site with access to 6th Avenue North. As additional square footage is not proposed, and the request is an adaptive reuse of an existing structure, the exception standard for additional parking spaces is applied, and therefore, the proposal does not require additional parking spaces and meets the parking requirement. The conditional use requested is an industrial use. The required parking for the subject site complies with LDRs.

Findings for Granting Conditional Uses

Prior to approving any conditional use permit, the decision-making authority shall find based on competent and substantial evidence that the following criteria related to conditional uses are met:

Section 23.2-29.d) General findings relating to harmony with LDRs and protection of public interest.

Staff Analysis: The proposed conditional use is in harmony with the surrounding area. A wholesale/distribution facility use is an anticipated use in the Industrial Park of Commerce (I-POC) zoning district. The proposed use will not result in less public benefit nor will it result in more intensive development than anticipated the zoning district in the comprehensive plan.

Section 23.2-29.e) Specific findings for all conditional uses.

Staff Analysis: The proposed conditional use is not anticipated to impact the surrounding area greater than uses permitted by right. Delivery vehicles (semi/box trucks) distribute product to the business three (3) to four (4) times weekly between the hours of 11:00 A.M. and 3:00 P.M. The impacts of the infrequent amount of deliveries to the site would not adversely impact the adjacent industrial businesses. Additionally, the delivery vehicles would not adversely impact the off-site/on-site circulation of traffic flow. The building is already served by municipal services, including water, sewer, refuse, fire and police. The site is located on an arterial roadway. Therefore, no additional public expenditures are required to service the proposed use.

Section 23.2-29.g) Additional requirements.

Staff Analysis: As of the date of this report transmittal, there is an active code case for the use approval at 1807 6th Avenue North.

CONCLUSION AND CONDITIONS

The Industrial Park of Commerce (I-POC) zoning district is intended to provide for the establishment and enlargement of office, manufacturing and light industrial uses. The industrial park of commerce district is also intended to permit establishment of certain other uses which are compatible with industrial operations. Development in the industrial land use category should be guided to minimize negative impacts on nearby residential areas. Uses identified as conditional uses are subject to additional review to ensure they will not have a negative impact on nearby residential uses or on the commercial viability of their neighbors.

The proposed *wholesale/distribution facility* use is appropriate for this zoning district. The use is located adjacent to compatible uses. Further, the proposed conditional use and improved landscaping will be compatible with the neighboring uses. The use has additional state licensing requirements and security measures in place to mitigate any potential adverse impacts. The use will not create excessive problems for through traffic, or have a negative impact on nearby compatible uses or the commercial viability of their neighbors. Based on the information provided in the application and analysis section of this report, the proposal complies with the conditional use criteria outlined in LDR Section 23.2.29. The conditions are outlined below, and also address minor site plan requirements that were not previously installed per the 1993 site plan approval.

Planning and Zoning:

1. Retail sales is prohibited.
2. Outdoor storage is prohibited.
3. Documentation that PBC Wellfield Permit affidavit of notification was submitted to PBC Environmental Resources Management is required for all tenants prior to the issuance of a business license.
4. The use, handling, production and storage of regulated substances in wellfield zones as defined in the PBC Unified Land Development Code shall be prohibited as provided for in the requirements of the PBC Wellfield Ordinance (ULDC, Article 14, Chapter B).

5. The proposed conditional use will not generate significant noise, or will appropriately mitigate anticipated noise to a level compatible with that which would result from a development permitted by right. Any proposed use must meet all the requirements and stipulations set forth in section 15.24, Noise control.
6. Per City Code Section 14-32 and LDR Section 23.2-23, the occupant must obtain and maintain the applicable annual Use and Occupancy Certificates (U&O) and Business Tax Receipts (BTR) for the new use and will need to maintain the license with renewals. This occupant must also obtain a City of Lake Worth Beach business license. This approval letter only applies to this address, 1807 6th Avenue North, and will not constitute approval for any new location or unit.
7. The City shall revoke the business license and the approval of the conditional use permit if the property is declared a chronic nuisance as result of or related to the operations of the business or accessory outdoor storage.

Landscaping:

1. Prior to the issuance of a business license, a landscape permit will be required to address the following:
 - a. Remove the existing Non-Native invasive Surinam Cherry shrubs that are along perimeter of the property in front of building "B" and replace them with native shrubs such as Cocoplum in order to provide the required continuous landscape screen.
 - b. Screen all ground level mechanical equipment with vision obscuring fencing and/or shrubs. If fencing is used a separate permit is required.
 - c. Restore the missing required groundcover (sod) in front of building "B" adjacent to Industrial Street with Bahia sod and install signage and/ or bollards in order to prevent the illegal parking of vehicles in this location.
2. Landscaping shall be installed and inspected prior to issuance of a business license.

Utilities Water, Sewer & Stormwater:

1. The subject site is out of compliance with the conditions of the of 1993 site plan approval, which required a stormwater management area/retention pond in the NW corner of the property. The stormwater management area is required to be approx. 3 feet deep. The previous approved stormwater management area shall be restored with one (1) year, or alternate improvements that meet current stormwater requirements, as approved by the City Engineer, shall be installed.

BOARD POTENTIAL MOTION:

I move to **approve** PZB Project Number 22-00500006 with staff recommended conditions for a **Conditional Use Permit** request to establish a wholesale/distribution facility use in the Industrial Park of Commerce (I-POC) zoning district located at 1807 6th Avenue North based on upon the competent and substantial evidence provided in the staff report and in the testimony at the public hearing.

I move to **disapprove** PZB Project Number 22-00500006 for a **Conditional Use Permit** request to establish a wholesale/distribution facility use in the Industrial Park of Commerce (I-POC) zoning district located at 1807 6th Avenue North. The project does not meet the conditional use criteria for the following reasons [Board member please state reasons.].

Consequent Action: *The Planning & Zoning Board's decision will be final decision for the Conditional Use Permit. The Applicant may appeal the Board's decision to the City Commission.*

ATTACHMENTS

- A. Findings for Conditional Uses
- B. Application Package (survey, request letter)

ATTACHMENT A - Findings for Granting Conditional Uses

Prior to approving any conditional use permit, the decision-making authority shall find based on competent and substantial evidence that the following criteria related to conditional uses are met:

Section 23.2-29.d) General findings relating to harmony with LDRs and protection of public interest.	Analysis
1. <i>The conditional use exactly as proposed at the location where proposed will be in harmony with the uses which, under these LDRs and the future land use element, are most likely to occur in the immediate area where located.</i>	In compliance
2. <i>The conditional use exactly as proposed at the location where proposed will be in harmony with existing uses in the immediate area where located.</i>	In compliance
3. <i>The conditional use exactly as proposed will not result in substantially less public benefit or greater harm than would result from use of the site for some use permitted by right or some other conditional use permitted on the site.</i>	In compliance
4. <i>The conditional use exactly as proposed will not result in more intensive development in advance of when such development is approved by the future land use element of the comprehensive plan.</i>	In compliance
Section 23.2-29.e) Specific findings for all conditional uses.	Analysis
1. <i>The proposed conditional use will not generate traffic volumes or movements which will result in a significant adverse impact or reduce the level of service provided on any street to a level lower than would result from a development permitted by right.</i>	In compliance
2. <i>The proposed conditional use will not result in a significantly greater amount of through traffic on local streets than would result from a development permitted by right and is appropriately located with respect to collector and arterial streets</i>	In compliance
3. <i>The proposed conditional use will not produce significant air pollution emissions, or will appropriately mitigate anticipated emissions to a level compatible with that which would result from a development permitted by right.</i>	In compliance
4. <i>The proposed conditional use will be so located in relation to the thoroughfare system that neither extension nor enlargement nor any other alteration of that system in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.</i>	In compliance
5. <i>The proposed conditional use will be so located in relation to water lines, sanitary sewers, storm sewers, surface drainage systems and other utility systems that neither extension nor enlargement nor any other alteration of such systems in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.</i>	In compliance
6. <i>The proposed conditional use will not place a demand on municipal police or fire protection service beyond the capacity of those services, except that the proposed facility may place a demand on municipal police or fire protection services which does not exceed that likely to result from a development permitted by right.</i>	In compliance

7. *The proposed conditional use will not generate significant noise, or will appropriately mitigate anticipated noise to a level compatible with that which would result from a development permitted by right. Any proposed use must meet all the requirements and stipulations set forth in section 15.24, Noise control.* **In compliance**
8. *The proposed conditional use will not generate light or glare which encroaches onto any residential property in excess of that allowed in section 23.4-10, Exterior lighting.* **In compliance**

Section 23.2-29.g) Additional requirements.	Analysis
1. <i>The conditional use exactly as proposed at the location where proposed will be in harmony with the uses which, under these LDRs and the future land use element, are most likely to occur in the immediate area where located.</i>	In compliance
2. <i>The conditional use exactly as proposed at the location where proposed will be in harmony with existing uses in the immediate area where located.</i>	In compliance

PLANNING AND ZONING BOARD REPORT

PZB Project Number 22-00900002 (Ordinance 2022-15): Consideration of a Mixed Use Urban Planned Development, Major Site Plan, Conditional Use Permit (CUP), and Sustainable Bonus Incentive Program (SBIP) requests for the project commonly referred to as “Lake Worth Station” located at 930 N G Street to construct a 5-story, 81 dwelling unit mixed use development with 39 multi-family units proposed to qualify as workforce housing and office space. The sustainable bonus request is for additional density and height. The property is zoned Transit Oriented Development – East (TOD-E).

Meeting Date: August 03, 2022

Property Owner: Ricardo Hernandez - Bridge Holding, LLC

Applicant: Ricardo Hernandez - Bridge Holding, LLC

Project Manager: Patricia Ramudo – IBI Group

Address: 930 N G Street

PCNs:

38-43-44-21-15-274-0080; 38-43-44-21-15-274-0070;
 38-43-44-21-15-274-0040; 38-43-44-21-15-274-0030;
 38-43-44-21-15-274-0020

Size: 1.084 Acre Lot

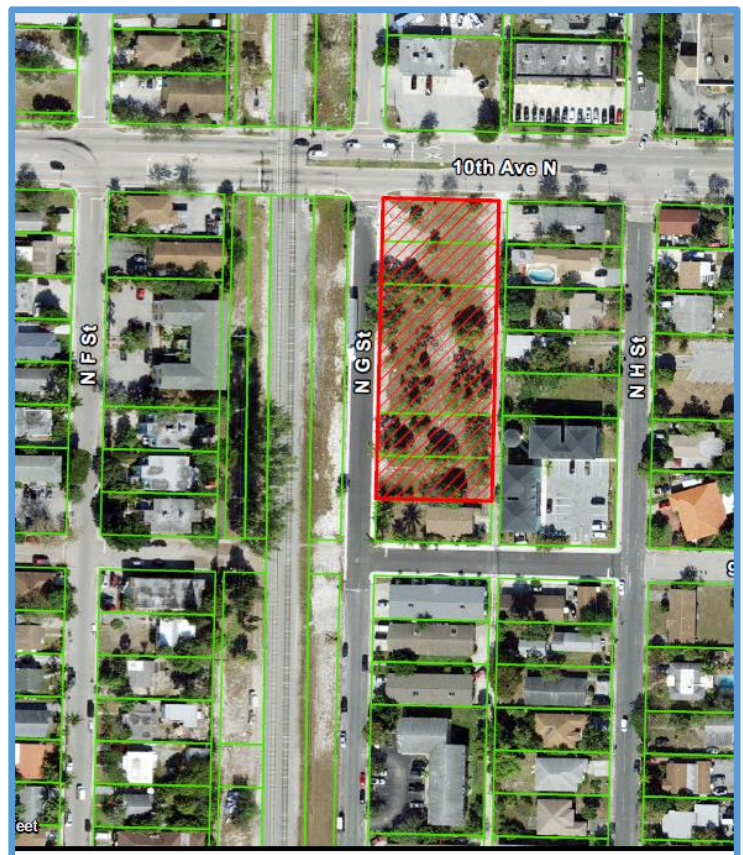
General Location: Northwest corner of 10th Avenue and North G Street

Existing Land Use: Vacant

Current Future Land Use Designation: Transit Oriented Development (TOD)

Zoning District: Transit Oriented Development - East (TOD-E)

Location Map



RECOMMENDATION

The documentation and materials provided with the application request were reviewed for compliance with the applicable guidelines and standards found in the City of Lake Worth Beach Land Development Regulations (LDRs), and for consistency with the Comprehensive Plan and Strategic Plan. The proposed Mixed Use Urban Planned Development, Major Site Plan, and Conditional Use is consistent with the Comprehensive Plan, Strategic Plan, and LDRs, as conditioned, and, therefore, a **recommendation of approval with conditions** is provided to the Planning and Zoning Board. The conditions are located on page 9 of this report.

PROJECT DESCRIPTION

The applicant, Ricardo Hernandez - Bridge Holding, LLC, is requesting approval of the following Lake Worth Station located at 930 North G Street:

- A **Mixed Use Urban Planned Development** request to construct an approximately 5-story, 81-unit multi-family residential structure, two office spaces, and additional site improvements.
- **Major Site Plan** for the development of mixed-use development in excess of 7,500 square feet.
- A **Conditional Use Permit** request to develop a multi-family residential use structure greater than 7,500 square feet.
- A **Sustainable Bonus** request for additional density and height.

The Applicant is proposing a mixed-use development on a 1.084-acre vacant lot with the purpose of improving the area while contributing to the commercial, residential, and recreational uses surrounding the area. The proposed mixed-use project includes the construction of a five-story building, surface parking and site amenities, to serve 81 multi-family residential units and 2 offices (accessory leasing office and co-work office space open to the public). Of the 81 residential units, 63 will be 1-bedroom units and 18 will be 2-bedroom units. Thirty-nine (39) of the 1-bedroom units will be designated as workforce housing. The concept behind this project is intended to provide a mixed-use development with an open plaza to serve the residents and businesses, as well as the community. The proposed mixed-use project of residential and office will ensure compatibility with the surrounding mixed uses that promote walkable and interconnected uses with a mix of densities and intensities and access to transit, bicycle, pedestrian, and other modes of transportation.

COMMUNITY OUTREACH

Staff has not received any letters of support or opposition for this application.

BACKGROUND

Below is a summary of the property based on Palm Beach Property Appraiser's records and City records:

Construction: Currently, there are no existing structures on the site.

Use: The property's existing use is vacant.

Code Compliance: There are no active code case on the subject site.

ANALYSIS

Consistency with the Comprehensive Plan and Strategic Plan

The subject site has a Future Land Use (FLU) designation of Transit-Oriented Development (TOD). Per policy 1.1.1.8, the land use category is intended to promote compact, mixed-use development near proposed or existing transportation infrastructure to encourage diversity in the way people live, work and commute. The maximum density of permitted residential development is 60 dwelling units per acre. The preferred mix of uses area-wide is 75% residential and 25% non-residential. All buildings are required to provide transitional buffering and design features to mitigate impact of the TOD sites adjacent to residential zoning districts.*

* Excludes sustainable bonus incentives per FLUE Policy 1.2.3.4

The City's Strategic Plan focuses on fostering safer neighborhoods, encouraging community pride, building a vibrant and diverse economy, planning for the future, and enhancing the natural, historic, and cultural environment of the City. Pillar II and Pillar IV of the Strategic Plan state that the City shall achieve strengthening Lake Worth Beach as a community of neighborhoods and navigating towards a sustainable community. Pillars II.A, II.B, IV.A, and IV.E of the Strategic Plan state that the City shall diversify housing options, continue crime reduction and prevention in achieving a safe, livable and friendly community, achieve economic and financial sustainability through a versatile and stable tax base, and ensuring facility placement, construction and development that anticipates and embraces the future. The proposed multifamily building, office component and associated site improvements will contribute towards the City's Pillars II.A, II.B, IV.A, and IV.E of the Strategic Plan.

Based on the analysis above, the proposed development request is consistent with the goals, objectives, and policies of the City of Lake Worth Beach's Comprehensive Plan and Strategic Plan.

Consistency with the Land Development Regulations

Mixed Use Urban Planned Development - Per Section 23.3-25, planned developments are intended to encourage innovative land planning and development techniques through incentives to create more desirable and attractive development within the City. The Department of Community Sustainability is tasked to review planned development applications in accordance with the City's LDRs, to assess compliance with the findings for granting planned developments (analyzed in the following sections) and to provide a recommendation for whether the application should be approved, approved with conditions, or denied.

Analysis: The proposed Mixed Use Urban Planned Development was reviewed for compliance with Section 23.3-25. The subject planned development is requesting to waive or relax base zoning district requirements in two (2) areas of the LDRs. The applicant has requested to reduce the west side setback from 10 feet to 9 feet to allow for a more substantial landscape buffer on the east side (alley side) of the property while maintaining parking lot travel lane widths and turn radii. The applicant is also requesting to reduce the living area for one-bedroom units from required minimum 600 square feet to 584 square feet, or a reduction of 16 ft (2.67%). The applicant has stated that they are requesting that reduction in support of the proposed workforce housing. Policy 3.1.2.2 of the Housing & Neighborhood Element in the Comprehensive Plan allows for a 15% reduction in living area requirements for affordable and workforce housing. The project also features approximately 1,700 sf of common area on the 5th floor for residents. The applicant will pursue the required unity of control for the petition, and has provided the required supporting information and development plans that comprise the master development plan. The proposal meets the minimum site area requirement of 0.5 acres. Outdoor storage is not proposed. The project planned development meets all land development requirements.

Transit Oriented Development – East (TOD-E): Per LDR Section 23.3-19(a), the TOD-E transit-oriented development east district is designed for the areas around the FEC railroad tracks and desired future locations for intra-city, light rail transit, specifically Lake Avenue, Lucerne Avenue, 1st Avenue South, 10th Avenue North and 9th Avenue South. The TOD-E district is intended to promote compact, mixed-use development, including multiple-family residential, office and retail, near proposed or existing transportation infrastructure. The TOD-E district is also intended to encourage arts, entertainment and cultural activities in the city. The establishment of certain uses is subject to conditional use review to ensure they will not create excessive problems for through traffic, or have a negative impact on nearby residential areas or the commercial viability of their neighbors. The district implements in part the mixed-use land use category of the Lake Worth Comprehensive Plan.

The table and topic area analysis below evaluate the proposed site features and the project's compliance with the Code, including requests to waive or relax base zoning district requirements as permitted in planned developments and factoring in the Sustainable Bonus incentives, Planned Development incentives, and the Comprehensive Plan maximums:

Development Standard		Base Zoning District Transit Oriented Development - East (TOD-E)	Mixed-Use Urban Planned Development in TOD-E w/ Sustainable Bonus Incentive Program(SBIP)	Provided
Lot Size (min) In square feet (sf)		13,000 sf	0.5 acres min	1.084 acres
Lot Width (min)		100'	100'	135'
Setbacks	Front (min)	10'	18'-22' ¹	18'
	Rear (min) ²	34'	42'-46' ¹	83'
	Street Side (min) – west (North G Street)	10'	10'	9'³
	Alley Side (min) – east	0'	0'	69'
Impermeable Surface Coverage (maximum)		65%	65%	62%
Structure Coverage (max)		50%	60%	29%
Density (max)		40 du/acre (43 units)	75 du/acre ⁴ (81.3 units)	74.72 du/acre (81 Units)
Building Height (max)		30' (max. 2 stories)	68.75' ⁴ (30' Plus 25' = 55' x 1.25)	54'10" 5-stories total
Maximum Wall Height at Side Setback		30'	45'	45'
Floor Area Ratio (FAR) (max)		1.1	3.313 ⁴	1.43
Living Area (minimum)	Studio	400 sf	400 sf	NA
	One- bedroom units	600 sf	600 sf	584⁵ sf 2.67% reduction (16 sf)
	Two- bedroom units	750 sf	750 sf	891 sf
	Three- bedroom units	900 sf	900 sf	NA
Parking		129 spaces	NA	98 ⁶

Is property in flood plain or Wellfield Zone? Yes/No	Flood Zone X not in floodplain / Wellfield Zone 4	NA	NA
1. <i>Additional height and stories setback for sustainable incentive: buildings in excess of thirty (30) feet in height in addition to sustainable incentive shall provide an additional front and rear setback of between eight (8) and twelve (12) feet to the minimum required front and rear setbacks.</i>			
2. <i>15 ft. or 10% of lot depth when next to residential zoning district.</i>			
3. <i>Applicant has requested to reduce the side setback on the west side setback from 10 feet to 9 feet</i>			
4. <i>Per Policy 1.2.3.4 of the Comprehensive Plan's Sustainable Bonus, allowing for a 25% bonus in density, intensity and height over Table 1 for urban planned developments less than 2 acres.</i>			
5. <i>Applicant has requested to reduce the living area for one-bedroom units from 600 square feet to 584 square feet, or 16 sf (2.67%). A 15% reduction living area is permitted for workforce housing per Policy 3.1.2.2 of the Housing & Neighborhood Element in the Comprehensive Plan.</i>			
6. <i>A 25% parking reduction for mixed use projects was requested per LDR Section 23.4-10(h)1. Total parking includes off-street parking (including electric vehicle (EV) charging spaces and a bike rack) and on-street parking (including two delivery and rideshare spaces) for multi-family residential and two office spaces.</i>			

Section 12-7, Dumpster Requirements: *The location of all dumpsters shall be approved by the public services director or his designee and/or the building official or his designee. All dumpsters shall meet the requirements set forth in this section and all other ordinances, rules, regulations and policies adopted by the city.*

Analysis: The proposed dumpster location was reviewed by Public Works, who determined that the dumpster was consistent with the size and screening requirements. The dumpster enclosure is proposed to be a concrete masonry unit (CMU) enclosure located at the southeast corner of the site.

Section 23.4-3, Exterior Lighting: *All outdoor lighting shall be installed in conformance with the provisions of this chapter, applicable electrical and energy codes, and applicable sections of the building code.*

Analysis: A photometric plan was provided depicting compliance with the exterior lighting requirements in Section 23.4-3. A recommended condition of approval has been provided requiring the proposed lighting to comply with Dark Skies lighting recommendations. The proposed fixtures shall be required to have a warm tone setting of 3000 K or less. The proposed fixtures may be substituted with similar fully shielded light fixtures at building permit to achieve a warm LED light tone of 3000K or less if the proposed fixture cannot be set to provide the required light tone.

Section 23.4-10. - Off-street parking: *This section provides general provisions for off-street parking. The standards “apply to all parking spaces required for new buildings, new uses, additions, enlargements, or changes.”*

Analysis: The required parking for the multi-family and office mixed use proposal is 129 spaces. The parking spaces were calculated at the following:

- 1.5 spaces/unit for the multi-family one-bedroom unit proposal (95 spaces for 62 units)
- 1.75 spaces/unit for the multi-family two-bedroom unit proposal (32 spaces for 18 units)
- 1 space/400 square feet for the office/co-work space (2 spaces at 891 square feet)
- 1 space/400 square feet for the leasing office space (1 space at 891 square feet)
- Proposed four (4) bike racks to count as one parking space per LDR Section 23.4-10(I), *Parking alternates*
- A 25% parking reduction was requested per LDR Section 23.4-10(h)1 (129 spaces x .25 = 32; 129-32 = 97)

The proposed off-street parking is including tandem, compact, and electric vehicle charging spaces. The tandem spaces will be located at the south side of the proposed building. The tandem spaces will be conditioned to be assigned to multi-family two-bedroom units. The applicant has agreed to this condition assigning the tandem parking spaces to seven (7)

multi-family two-bedroom units. The five (5) compact spaces will be located at the northeast corner of the site. The compact spaces will include four (4) electric vehicle charging stations at the northeast corner of the site.

The proposed on-street parking also includes two delivery and rideshare spaces located on the northeast side of North G Street. All of the proposed on-street parking (12 spaces total) will be located along the east side of North G Street. Public Works will require additional offsite improvements to adequately provide proper drainage and traffic circulation directly related to the improvement of North G Street from 10th Avenue North to 9th Avenue North.

Additionally, Public Works is also requiring the improvement of the 10-foot alley located east of the subject site to be improved. A condition will be proposed to improve the 10-foot alley to the east to mill, grade, and compact the existing pavement from 10th Avenue North to 9th Avenue North. To accommodate the proposed on-street parking for this project, as it is depicted in the site plan, it will be necessary to shift the center line of North G Street to maintain travel lanes of adequate and equal width. To accomplish this, Public Works is proposing a condition that the road will need to be milled and resurfaced to move the crown of the road and change the centerline. The Public Works Department has also requested the applicant provide a sidewalk along the west side of North G Street.

Signage: Signage is required to comply with the size and design requirements in the Land Development Regulations. The proposed signage will be reviewed at building permit for consistency with these requirements.

Section 23.6-1. - Landscape regulations: *The objective of this section is to provide minimum standards for the installation and maintenance of landscaping within the city. Per Section 23.6-1(c)(2), "on the site of a building or open-lot use providing an off-street parking, storage or other vehicular use area, where such an area will not be screened visually by an intervening building or structure from an abutting right-of-way or dedicated alley, shall require landscaping".*

Analysis: The development proposal provides perimeter and interior landscaping and shade trees. The proposed landscaping is consistent with the City's landscape regulations and the Major Thoroughfare Design Guidelines. Tree species include a mix of Gumbo Limbo, Simpson Stopper, Live Oak and Pigeon Plum trees for the perimeter plantings and with multiple native and non-native shrubs, grasses and groundcovers for the interior plantings. The proposed landscape complies with the City's requirement that a minimum 75% of all required plants be Florida native.

As required by the tree removal provisions in the landscape regulations, the applicant submitted a tree survey and disposition plan that was reviewed by staff. The diameter at breast height (DBH) for the existing trees with a condition rating of fifty (50) percent or greater on the property is used to calculate the replacement tree requirement. After the review of the Tree Survey, Disposition Plan and Landscape Plan staff determined that there is a replacement and mitigation shortfall of 72 Diameter inches with an average tree size of 11 inches. Since the property cannot accommodate all of the required tree replacements on site, an in-lieu of fee may be paid into the Tree Canopy Restoration Fund as a substitute to replacement. Therefore, staff has proposed a condition requiring the payment of \$14,000 into the City's Tree Canopy Restoration fund prior to the issuance of a building permit.

Section 23.2-31 - Site Design Qualitative Standards (Attachment A)

Site Design Qualitative Standards are intended to *"promote safety and minimize negative impacts of development on its neighbors by establishing qualitative requirements for the arrangements of buildings, structures, parking areas, landscaping and other site improvements. The qualitative standards are designed to ensure that site improvements are arranged in ways which cannot be otherwise accomplished with quantitative standards."* These qualitative standards are applicable to site plan applications as well as all conditional uses. The Major Thoroughfare Design Guidelines are an adopted component of these Site Design Qualitative Standards as per Section 23.2-31(j), which are applicable to properties adjacent to the City's major thoroughfares inclusive of the subject site. Compliance determination with the applicable standards in Section 23.2-31 are provided in Attachment A. **The following analysis of the site, building, vehicular use area and appearance support the compliance findings for the applicable standards listed in Attachment A and in the Major Thoroughfare Design Guidelines.**

Site Design Qualitative Standards Analysis (including vehicular use areas) and Major Thoroughfare Design Guidelines: The proposed improvements to the site, including landscaping and architecture are generally consistent with the Major Thoroughfare Design Guidelines. The character of the proposed development is consistent with the Vision for the Major Thoroughfare Design Guidelines, providing for a vibrant, diverse, safe, inviting and sustainable features. With an open plaza, located at the 10th Avenue North frontage, the project invites community interaction. The perimeter public sidewalks provide walkability and connectivity to the on-site pedestrian walkways. The building is placed along the North G Street corridor, with surface parking east of the building, such that it minimizes any adverse effects to its neighbors. Driveway access is placed on the north and west side streets, minimizing vehicular interaction with the pedestrian circulation. On-site parking is designed along the south and east of the property, screening it from public view, by means of low walls and landscaping. Screening of the on-site parking is provided by placing it at the rear of the property and will be screened by the buildings and landscape improvements. Public Works has proposed conditions of approval requiring Public Works is also requiring the improvement of the 10-foot alley located east of the subject site to be improved and the installation of a sidewalk along west side of North G Street. The solid waste dumpster will be located in an enclosure located at the southeast of the property and will provide collection and storage of solid waste and recyclables. Site lighting will comply with the City's lighting design and illumination standards, such that it will not spill over to surrounding properties. Landscaping of the perimeter buffers will be designed in such a manner as to compliment the architectural style of the buildings. The project will also feature an open plaza with a sculpture located in the NW corner of the project along 10th Avenue North.

The proposed improvements to the site are harmonious as a whole, will improve the aesthetics of the site, and will be an asset to the neighborhood.

The existing uses in the surrounding area are as follows:

Direction	Future Land Use	Zoning District	Existing Use
North	Transit Oriented Development (TOD)	Transit Oriented Development – East (TOD-E)	The 10th Avenue North / Mixed-Use Commercial
South	Transit Oriented Development (TOD)	Transit Oriented Development – East (TOD-E)	Single-family home
East	Transit Oriented Development (TOD)	Mixed Use – Dixie Highway (MU-DH)	A platted 10' alley (unimproved)/residential lots, comprised of single family, apartment buildings and a vacant lot.
West	Transit Oriented Development (TOD)	Transit Oriented Development – East (TOD-E)	The North G Street 40' municipal ROW/vacant parcel, which abuts the Florida East Coast Railroad right-of-way.

The proposed uses and site improvements will not negatively affect the existing surrounding properties and uses. The proposed changes are harmonious and compatible with the existing industrial area.

Community Appearance Criteria:

The proposed mixed-use proposal including new construction, new landscaping, and associated site improvements represent an enhancement in the general appearance of the property over the existing vacant lot. The proposed architecture of the building is appropriate and in harmony with the surrounding residential and nonresidential area. Overall, the proposed development proposal represents a substantial improvement in the visual appearance of the

property. The project will also feature an open plaza with a sculpture located in the NW corner of the project along 10th Avenue North. Overall, the proposed project represents a substantial improvement in the visual appearance over the existing property and is consistent with the Comprehensive Plan, Major Thoroughfare Design Guidelines and the City's Land Development Regulations (LDRs). The project is in conformity with the principals of good design and quality and is in harmony with the city and the surrounding area as conditioned.

Conditional Use Findings (Attachment B)

Conditional uses are those uses that are generally compatible with the other uses permitted in a district, but that require individual review of their location, design, structure, configuration, density and intensity of use, and may require the imposition of conditions pertinent thereto in order to ensure the appropriateness and compatibility of the use at a particular location and to prevent or minimize potential adverse impacts to the surrounding area. The project proposal includes a conditional use request to establish a residential master plan greater than 7,500 square feet.

The proposed conditional use is not anticipated to impact the surrounding area greater than uses permitted by right. The site is currently vacant and is proposing multifamily buildings and office space that does not utilize the maximum development potential. The building will be served by municipal services, including water, sewer, refuse, fire and police. The site is located on an arterial roadway. The proposed associated site improvements would provide new screening and site circulation.

Section 23.2-33(c) - Sustainable Bonus Incentive Program (SBIP)

The City of Lake Worth Beach Sustainable Bonus Incentive Program (SBIP) is intended to implement Objective 1.2.3 of the City's Comprehensive Plan which states the City shall establish incentives to help support the creation of a compact, sustainable, community-oriented development by implementing a Sustainable Bonus Incentive Program. The Program offers the opportunity to attain an option for increased height and/or FAR in exchange for the incorporation of sustainable design features, community-based improvements and overall design excellence as part of a development proposal.

Per Policy 1.2.3.4 of the City's Comprehensive Plan, a mixed-use urban planned development located west of Dixie Highway may obtain a 50% bonus on density, intensity (FAR), and height over the base line as outlined in Table 1 of the Comprehensive Plan. The Applicant is asking for a bonus height and bonus density which are less than the maximum allowances that can be permitted for height and intensity through a sustainable bonus incentive in a planned development in the TOD-E zoning district.

The total square footage of bonus area above the second floor is +/-39,944 square feet. On the 5th floor, approximately 12,236 square feet includes the 15 density bonus units. Therefore, the value of required improvements for the SBIP bonus areas is \$207,810 (27,708 sf X \$7.50 per sf) plus an additional \$183,540 (12,236 sf X \$15 per sf) for the additional units on the 5th floor. The total incentive value is \$391,350. Fifty percent (50%) of the incentive award value is \$195,675, which the applicant is required to pay to the City. For the remaining 50% of the incentive award value (\$195,675), the applicant is proposing the following qualified on-site improvements including Florida Green Building Certification (\$97,837.50), 39 deed restricted affordable/workforce housing units, which is equal to 45% of all units (45% of \$195,675 = \$88,053.75), and a Public Art (sculpture with a minimum \$25,000 value). The total value of the qualifying improvements is \$210,891.25, which exceeds the require incentive value of \$195,675.

The total remaining payment by the applicant to the City for the additional height and density is anticipated to be \$195,675.

CONCLUSION AND CONDITIONS

The TOD-E district is intended to promote compact, mixed-use development, including multiple-family residential, office and retail, near proposed or existing transportation infrastructure. Based on the data and analysis in this report and the supporting materials by the applicant, the proposed site plan, building design, landscaping, and site circulation

are appropriate and consistent with the City's Comprehensive Plan, Strategic Plan, Major Thoroughfare Design Guidelines, and Land Development Regulations with the two (2) requested minor reductions to the side back (9 ft provided) and the 1-bedroom living area (584 sf provided). The proposed site circulation, parking, refuse, delivery, and amenity locations anticipated to minimize and/or mitigate any impacts of the mixed-use proposal on the adjacent and proximate uses. The project also features an Therefore, a recommendation of approval is provided to the PZB with the following conditions:

Planning & Zoning

1. Fifty percent (50%) of the sustainable bonus fee (\$195,675) and any portion of the remaining sustainable bonus fee (up to an additional 50%) after qualifying improvements are deducted shall be paid to the City within one year of approval, or prior to the issuance of the building permit, whichever comes first.
2. Fifty percent of the sustainable bonus fee (\$195,675) shall be paid to the City within one year of approval, or prior to the issuance of the building permit, whichever comes first.
3. Public art (sculpture) proposed shall be reviewed by the CRA's LULA program prior to installation.
4. Prior to building permit application,
 - a. A Unity of Title will be required for all applicable parcels.
 - b. An address application shall be required to be submitted prior to application for building permit.
5. Prior to the issuance of a building permit, the applicant shall pay \$14,000 into the City's Tree Canopy Restoration fund.
6. Prior to issuance of a building permit, the applicant shall submit the final School District Availability Determination from the PBC School District and shall pay all applicable fees to PBC prior to the issuance of a building permit.
7. The proposed mixed-use project shall comply with Palm Beach County's Unified Land Development Best Management Practices for Wellfield Protection.
8. All lighting shall comply with lighting code regulations in LDR Section 23.4-3. Further, lighting fixtures shall comply with dark skies fixture recommendations, including a 3000K light tone or less for LED lighting, and shall be consistent with the architectural style of the project as determined by the Development Review Official.
9. The 14 proposed compact/tandem spaces located at the south end of the building shall be assigned to the multifamily two-bedroom units.
10. A public access/sidewalk easement shall be required on the west property line.
11. A video security system shall be required for the property.
12. Prior to the issuance of building permit for commercial signage, a Minor Site Plan amendment to establish a Uniform Master Sign Program for individual tenants/businesses in accordance with the City's Land Development Regulations is required. Directional signage shall be exempt from the minor site plan requirement provided that is appropriately scaled and architecturally consistent.
13. A minor site plan amendment shall be required if site modifications are required to implement the conditions of approval.
14. A more vibrant exterior color scheme more in keeping with the colorful diversity and charm of the City is suggested.

Public Works

Standard Conditions of Approval:

1. The issuance of any permits shall comply with all provisions of the Lake Worth Municipal Code and all other applicable standards including but not limited to the Florida Department of Transportation (FDOT), Manual on Uniform Traffic Control Devices (MUTCD), and City of Lake Worth Public Works Construction Standards and Policy and Procedure Manual.
2. No Certificate of Occupancy shall be granted until all conditions of approval have been satisfied under jurisdiction of the Department of Public Works.

3. In the event of a legal challenge to this approval, the applicant/owner shall be responsible for all costs to defend the action of the city in approving any and all permits related to this application. Should the applicant fail to enter into an agreement to fund the costs of litigation, the city, at its discretion, may rescind this approval and revoke all permits issued.

Additional Conditions of Approval

1. Prior to issuance of a building permit:
 - a. The applicant shall contact the Lake Worth Drainage (LWDD) District's Engineering Department and obtain any required permit(s), if necessary, and furnish to the City.
 - b. The applicant shall contact the South Florida Water Management District's (SFWMD) Engineering Department and obtain any required permit(s), if necessary.
 - c. The applicant shall meet with a representative from Public Works Solid Waste and Recycling Division to confirm dumpster enclosure location, accessibility and demand on property and that it is compatible with the requirements of the Department of Public Works. Solid Waste and Recycling Division contact number is 561-533-7344.
 - d. The applicant shall submit an Erosion Control plan and indicate the BMP's and NPDES compliance practices.
2. Prior to the issuance of a certificate of occupancy:
 - a. To accommodate the proposed on-street parking for this project, as it is depicted in the site plan, it will be necessary to shift the center line of North G Street to maintain travel lanes of adequate and equal width. To accomplish this the road will need to be milled and resurfaced to move the crown of the road and change the centerline.
 - b. New striping will be required from the intersection of North G Street and 9th Avenue North to the intersection of North G Street and 10th Avenue North, including stop bars and reflective pavement markers at the intersections.
 - c. The west ROW of North G Street shall be improved with the addition of 5-foot-wide sidewalk, if determined to be required by the Public Works Director at building permit, and conforming to City specification from the intersection of North G Street to the intersection of 9th Avenue North. The sidewalk will meet ADA requirements and terminate at both intersections with ADA compliant ramps and tactile surfaces.
 - d. A stop sign shall be installed at the intersection of North G Street and 9th Avenue North facing southbound traffic.
 - e. "No Parking Any Time" signs shall be installed along the west ROW of North G Street but will not be installed any further south than the point along North G Street where the property line of the project ends.
 - f. A cross-section showing the existing 40' ROW of North G Street in its current condition and a cross section showing the ROW after the change of the centerline of North G Street will need to be provided prior to City Commission.
 - g. Alleyway improvements consisting of 4-inch asphalt millings, graded and compacted, shall be constructed from 10th Avenue North to 9th Avenue North.
 - h. The applicant shall ensure the entire surrounding off-site infrastructure inclusive of the roadway, sidewalk, curbing, stormwater system piping and structures, valve boxes, manholes, landscaping, striping, signage, and other improvements are in the same condition as prior to construction. A pre-construction video of the entire perimeter shall be performed and submitted to the City.
 - i. The applicant shall fine grade and sod all disturbed areas with bahia sod.
 - j. The applicant shall broom sweep all areas of the affected right of way and remove all silt and debris collected as a result of construction activity.
 - k. The applicant shall restore the right of way to a like or better condition. Any damages to pavement, curbing, striping, sidewalks or other areas shall be restored in kind.
3. Prior to performing work in the right of way, the applicant shall apply for and receive issuance of a "Right of Way/Utility Permit" application.

4. The sidewalk on the east side of North G Street that is bisected by the project property line shall be maintained solely by the property in perpetuity and the City will not be held legally responsible for injuries associated with it.

Utilities – Water & Sewer

1. Prior to building permit issuance, capacity fees are due.
2. Provide a public access easement along the sidewalk that is outside the N G Street right of way.

Electric Utilities

1. Prior to application and the issuance of a building permit, Electric Utilities is requesting the following:
2. Items in regards to the facility's Electrical Site Plan drawings (Electrical Details - E21_222028 BH) are needed to more accurately determine the location of the Electrical Equipment, the Electrical Connections, and Wiring, including Underground (UG)
3. An appropriate Power Distribution Planning to ensure that there is adequate capacity (transformer capacity and feeder capacity) to meet the load demands of the facility shall be specified
4. The facility's potential annual electric energy (power consumption) shall be determined
5. If Electric Vehicle (EV) Chargers are considered: Please provide the number of EV chargers to be installed as well as type of chargers. For example, does the applicant intend to install Level II charger or Level III DC Fast chargers? Quantities of each type? And will these be connected from the facility's main meter or connected directly to the City's electric utility distribution system?
6. The Electric Utility Dept. is requesting a review meeting with the developer & electrical engineers to review and clarify any additional electrical related items.

Prior to the issuance of a building permit:

7. Show the location of the Padmount Transformers, Automatic Transfer Switch (ATS), and the meter banks. The Padmount Transformer locations will need to be in an accessible location to our trucks and will need 8-ft (8 feet) of minimum clearance in the front and 3-ft (3 feet) of minimum clearance on the sides and rear. This clearance includes landscaping. None trees, plants, shrubs or vegetations are allowed within the clearance
8. Provide the electric riser diagrams for all buildings, the proposed electrical loads and the voltages required, including proposed Electrical Cable Schedules
9. Provide the Amp Sizes and Voltages for any other services needed than the commercial units, such as lighting, irrigation, etc. If any meter is over 320 amps for Single Phase, and over 200 amps for 3-Phase, a CT Cabinet and CT Meter Can will need to be installed. All meters and CT Cabinets will need a minimum of 36" (36 in) of clearance in front of them
10. Provide a 10-ft (10 feet) wide utility easement for the underground electric lines, Padmount Transformers & Switchgear that will serve this project. The Main Electric Line Routing from the Poles to the Padmount Transformers will be determined by the Lake Worth Beach design engineer
11. Transformer & Electrical Equipment Box Pad Elevations shall be FEMA 100 yr. Flood-Plain Elevation + 1-ft (1 feet)
12. Provide details for Temporary Power during construction, Voltage & Amps and approximate Location of service point
13. Complete payment to Lake Worth Beach for electrical infrastructure costs for labor & materials to serve this project
14. The customer will be responsible for installing any Secondary Conduit at a minimum of 24" (24 in) deep from the Secondary Winding of the Transformer of the property to the building
15. The customer will be responsible for Any and All labor and material costs for providing electric service to this project.
16. The CLWB will procure one (1) Padmount Transformer and Box Pad to serve the facility, the owner/developer is responsible for the reimbursement costs to the City. The City will procure one (1) Spare Padmount Transformer at the City's expense.

Prior to the issuance of a Certificate of Occupancy:

17. Provide copy of recorded Utility Easement.
18. Note that No permanent power can NOT be provided until a Final Electrical Inspection is done.

BOARD POTENTIAL MOTION:

I move to **approve with conditions** the request for the Mixed Use Urban Planned Development, Major Site Plan, Conditional Use Permit (CUP), and Sustainable Bonus Incentive Program (SBIP) requests for Lake Worth Station at 930 N G Street based on upon the competent and substantial evidence provided in the staff report and in the testimony at the public hearing.

I move to **disapprove** the request for the Mixed Use Urban Planned Development, Major Site Plan, Conditional Use Permit (CUP), and Sustainable Bonus Incentive Program (SBIP) requests for Lake Worth Station at 930 N G Street. The project does not meet the conditional use criteria for the following reasons [Board member please state reasons].

Consequent Action: *The Planning & Zoning Board's recommendation will be forwarded to the City Commission as part of the public hearing supporting documents and materials upon first reading of Ordinance 2022-15.*

ATTACHMENTS

- A. Qualitative Development Standards
- B. Conditional Use Findings
- C. Application Package (site plan, architectural plans & supporting documents)

ATTACHMENT A – Qualitative Development Standards

Section 23.2-31(c) – Qualitative Development Standards	Analysis
<p>1. Harmonious and efficient organization. All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of plot, the character of adjoining property and the type and size of buildings. The site shall be developed so as to not impede the normal and orderly development or improvement of surrounding property for uses permitted in these LDRs.</p>	In Compliance
<p>2. Preservation of natural conditions. The natural (refer to landscape code, Article 6 of these LDRs) landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal and by such other site planning approaches as are appropriate. Terrain and vegetation shall not be disturbed in a manner likely to significantly increase either wind or water erosion within or adjacent to a development site. Natural detention areas and other means of natural vegetative filtration of stormwater runoff shall be used to minimize ground and surface water pollution, particularly adjacent to major waterbodies. Fertilizer/pesticide conditions may be attached to development adjacent to waterbodies. Marinas shall be permitted only in water with a mean low tide depth of four feet or more.</p>	In compliance
<p>3. Screening and buffering. Fences, walls or vegetative screening shall be provided where needed and practical to protect residents and users from undesirable views, lighting, noise, odors or other adverse off-site effects, and to protect residents and users of off-site development from on-site adverse effects. This section may be interpreted to require screening and buffering in addition to that specifically required by other sections of these LDRs, but not less.</p>	In compliance
<p>4. Enhancement of residential privacy. The site plan shall provide reasonable, visual and acoustical privacy for all dwelling units located therein and adjacent thereto. Fences, walls, barriers and vegetation shall be arranged for the protection and enhancement of property and to enhance the privacy of the occupants.</p>	In compliance
<p>5. Emergency access. Structures and other site features shall be so arranged as to permit emergency vehicle access by some practical means to all sides of all buildings.</p>	In compliance
<p>6. Access to public ways. All buildings, dwelling units and other facilities shall have safe and convenient access to a public street, walkway or other area dedicated to common use; curb cuts close to railroad crossings shall be avoided.</p>	In compliance
<p>7. Pedestrian circulation. There shall be provided a pedestrian circulation system which is insulated as completely as reasonably possible from the vehicular circulation system.</p>	In compliance
<p>8. Design of ingress and egress drives. The location, size and numbers of ingress and egress drives to the site will be arranged to minimize the negative impacts on public and private ways and on adjacent private property. Merging and turnout lanes traffic dividers shall be provided where they would significantly improve safety for vehicles and pedestrians.</p>	In compliance
<p>9. Coordination of on-site circulation with off-site circulation. The arrangement of public or common ways for vehicular and pedestrian circulation shall be coordinated with the pattern of</p>	In compliance

existing or planned streets and pedestrian or bicycle pathways in the area. Minor streets shall not be connected to major streets in such a way as to facilitate improper utilization.

10. Design of on-site public right-of-way (ROW). On-site public street and rights-of-way shall be designed to for maximum efficiency. They shall occupy no more land than is required to provide access, nor shall they unnecessarily fragment development into small blocks. Large developments containing extensive public rights-of-way shall have said rights-of-way arranged in a hierarchy with local streets providing direct access to parcels and other streets providing no or limited access to parcels. **Not applicable**

11. Off-street parking, loading and vehicular circulation areas. Off-street parking, loading and vehicular circulation areas shall be located, designed and screened to minimize the impact of noise, glare and odor on adjacent property. **In compliance**

12. Refuse and service areas. Refuse and service areas shall be located, designed and screened to minimize the impact of noise, glare and odor on adjacent property. **In compliance**

13. Protection of property values. The elements of the site plan shall be arranged so as to have minimum negative impact on the property values of adjoining property. **In compliance**

14. Transitional development. Where the property being developed is located on the edge of the zoning district, the site plan shall be designed to provide for a harmonious transition between districts. Building exteriors shall complement other buildings in the vicinity in size, scale, mass, bulk, rhythm of openings and character. Consideration shall be given to a harmonious transition in height and design style so that the change in zoning districts is not accentuated. Additional consideration shall be given to complementary setbacks between the existing and proposed development. **In compliance**

15. Consideration of future development. In finding whether or not the above standards are met, the review authority shall consider likely future development as well as existing development. **In compliance**

Section 23.2-31(d) - Qualitative Buildings, generally	Analysis
<p><i>1. Buildings or structures which are part of a present or future group or complex shall have a unity of character and design. The relationship of forms of the use, texture and color of material shall be such as to create one (1) harmonious whole. When the area involved forms an integral part of, is immediately adjacent to, or otherwise clearly affects the future of any established section of the city, the design, scale and location of the site shall enhance rather than detract from the character, value and attractiveness of the surroundings. Harmonious does not mean or require that the buildings be the same.</i></p>	In compliance
<p><i>2. Buildings or structures located along strips of land or on a single site, and not a part of a unified multi-building complex shall achieve as much visual harmony with the surroundings as is possible under the circumstances. If a building is built in an undeveloped area, three (3) primary requirements shall be met, including honest design construction, proper design concepts, and appropriateness to the city.</i></p>	In compliance
<p><i>3. All façades visible to public or adjacent property shall be designed to create a harmonious whole. Materials shall express their function clearly and not appear foreign to the rest of the building.</i></p>	In compliance

4. *The concept of harmony shall not infer that buildings must look alike or be of the same style. Harmony can be achieved through the proper consideration of scale, mass, bulk, proportion, height, orientation, site planning, landscaping, materials, rhythm of solids to voids and architectural components including but not limited to porches, roof types, fenestration, orientation and stylistic expression.* **In compliance**
5. *Look-alike buildings shall not be allowed unless, in the opinion of the board, there is sufficient separation to preserve the aesthetic character of the present or evolving neighborhood. This is not to be construed to prohibit the duplication of floor plans and exterior treatment in a planned development where, in the opinion of the board, the aesthetics or the development depend upon, or are enhanced by the look-alike buildings and their relationship to each other.* **Not Applicable**
6. *Buildings, which are of symbolic design for reasons of advertising, unless otherwise compatible with the criteria herein, will not be approved by the board. Symbols attached to the buildings will not be allowed unless they are secondary in appearance to the building and landscape and are an aesthetic asset to the building, project and neighborhood.* **Not Applicable**
7. *Exterior lighting may be used to illuminate a building and its grounds for safety purposes, but in an aesthetic manner. Lighting is not to be used as a form of advertising in a manner that is not compatible to the neighborhood or in a manner that draws considerably more attention to the building or grounds at night than in the day. Lighting following the form of the building or part of the building will not be allowed if, in the opinion of the board, the overall effect will be detrimental to the environment. All fixtures used in exterior lighting are to be selected for functional as well as aesthetic value.* **In compliance**
8. *Building surfaces, walls and roofs shall be compatible and in harmony with the neighborhood.* **In compliance**
9. *"Take-out" or "pick-up" windows of retail or wholesale establishments shall not be located on a building façade that faces a public right-of-way, unless they are designed in such a manner as to constitute an aesthetic asset to the building and neighborhood.* **Not Applicable**
10. *All exterior forms, attached to buildings, shall be in conformity to and secondary to the building. They shall be an asset to the aesthetics of the site and to the neighborhood.* **In compliance**
11. *All telephones, vending machines, or any facility dispensing merchandise, or a service on private property, shall be confined to a space built into the building or buildings or enclosed in a separate structure compatible with the main building, and where appropriate and feasible, should not be readily visible from off-premises.* **Not Applicable**
12. *Buildings of a style or style-type foreign to south Florida or its climate will not be allowed. It is also to be understood that buildings which do not conform to the existing or to the evolving atmosphere of the city, even though possessing historical significance to south Florida, may not be approved.* **Not Applicable**
13. *No advertising will be allowed on any exposed amenity or facility such as benches and trash containers.* **In compliance**
14. *Light spillage restriction. The applicant shall make adequate provision to ensure that light spillage onto adjacent residential properties is minimized.* **In compliance**

Section 23.2-31(h) – Criteria for parking lots and vehicular use areas	Analysis
<p>1. <i>Parking lots and other vehicular use areas are to be designed as an aesthetic asset to a neighborhood and to the building, group of buildings, or facility they serve. A parking lot is to be considered an outside space; a transitional space that is located between access areas (such as roads) and the building, group of buildings or other outside spaces which it serves. The parking lot, because it is viewed from above as well as at eye level, should be designed accordingly.</i></p>	In compliance
<p>2. <i>Parking lots, vehicular use areas, and vehicles parked therein are to be effectively screened from the public view and from adjacent property in a manner that is attractive and compatible with safety, the neighborhood and the facility served.</i></p>	In compliance
<p>3. <i>The responsibility for beautification and design of a parking lot is the same as that which a homeowner has to his residential lot. The atmosphere within a parking lot or vehicular use area is to be as pleasant and park-like as possible, rather than a harsh stand of paving. Trees are of primary importance to the landscape and are not to be minimized in either height or quantity. Trees impart a sense of three-dimensional space in a relatively flat area. Trees cast shadows that help to reduce the monotony of an expanse of paving and create a refuge from the tropical sun. Signs designating entrances, exits and regulations are to be of a tasteful design and shall be subject to review by the board. Consideration may be given to use of pavement which is varied in texture or color to designate lanes for automobile traffic, pedestrian walks and parking spaces. Brightly colored pavement is to be used with restraint. In order to create a pleasant atmosphere, it is recommended that consideration be given to sculpture, fountains, gardens, pools and benches. Design emphasis is to be given to the entrance and exit areas of the lot. Trash, refuse and unaesthetic storage and mechanical equipment shall be screened from the parking lot.</i></p>	In compliance
<p>4. <i>Lighting is to be designed for visual effects as well as safety and resistance to vandalism. Care should be taken not to create a nuisance to the neighborhood from brightness or glare. Low lights in modest scale can be used along with feature lighting emphasizing plants, trees, barriers, entrances and exits. The fixtures are to be selected for functional value and aesthetic quality. Fixtures should be regarded as "furniture of the parking lot" which are visible both day and night.</i></p>	In compliance

Section 23.2-31(l) – Community Appearance Criteria	Analysis
<p>1. <i>The plan for the proposed structure or project is in conformity with good taste, good design, and in general contributes to the image of the city as a place of beauty, spaciousness, harmony, taste, fitness, broad vistas and high quality.</i></p>	In compliance
<p>2. <i>The proposed structure or project is not, in its exterior design and appearance, of inferior quality such as to cause the nature of the local environment or evolving environment to materially depreciate in appearance and value.</i></p>	In compliance
<p>3. <i>The proposed structure or project is in harmony with the proposed developments in the general area, with code requirements pertaining to site plan, signage and landscaping, and the comprehensive plan for the city, and with the criteria set forth herein.</i></p>	In compliance
<p>4. <i>The proposed structure or project is in compliance with this section and 23.2-29, Conditional Use Permits (CUP), as applicable.</i></p>	In compliance

ATTACHMENT B - Findings for Granting Conditional Uses

Prior to approving any conditional use permit, the decision-making authority shall find based on competent and substantial evidence that the following criteria related to conditional uses are met:

Section 23.2-29(d) General findings relating to harmony with LDRs and protection of public interest.	Analysis
1. <i>The conditional use exactly as proposed at the location where proposed will be in harmony with the uses which, under these LDRs and the future land use element, are most likely to occur in the immediate area where located.</i>	In compliance
2. <i>The conditional use exactly as proposed at the location where proposed will be in harmony with existing uses in the immediate area where located.</i>	In compliance
3. <i>The conditional use exactly as proposed will not result in substantially less public benefit or greater harm than would result from use of the site for some use permitted by right or some other conditional use permitted on the site.</i>	In compliance
4. <i>The conditional use exactly as proposed will not result in more intensive development in advance of when such development is approved by the future land use element of the comprehensive plan.</i>	In compliance
Section 23.2-29(e) Specific findings for all conditional uses.	Analysis
1. <i>The proposed conditional use will not generate traffic volumes or movements which will result in a significant adverse impact or reduce the level of service provided on any street to a level lower than would result from a development permitted by right.</i>	In compliance
2. <i>The proposed conditional use will not result in a significantly greater amount of through traffic on local streets than would result from a development permitted by right and is appropriately located with respect to collector and arterial streets</i>	In compliance
3. <i>The proposed conditional use will not produce significant air pollution emissions, or will appropriately mitigate anticipated emissions to a level compatible with that which would result from a development permitted by right.</i>	In compliance
4. <i>The proposed conditional use will be so located in relation to the thoroughfare system that neither extension nor enlargement nor any other alteration of that system in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.</i>	In compliance
5. <i>The proposed conditional use will be so located in relation to water lines, sanitary sewers, storm sewers, surface drainage systems and other utility systems that neither extension nor enlargement nor any other alteration of such systems in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.</i>	In compliance
6. <i>The proposed conditional use will not place a demand on municipal police or fire protection service beyond the capacity of those services, except that the proposed facility may place a demand on municipal police or fire protection services which does not exceed that likely to result from a development permitted by right.</i>	In compliance

7. *The proposed conditional use will not generate significant noise, or will appropriately mitigate anticipated noise to a level compatible with that which would result from a development permitted by right. Any proposed use must meet all the requirements and stipulations set forth in section 15.24, Noise control.* **In compliance**

8. *The proposed conditional use will not generate light or glare which encroaches onto any residential property in excess of that allowed in section 23.4-10, Exterior lighting.* **In compliance**

ORDINANCE NO. 2022-15 AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING THE OFFICIAL ZONING MAP BY APPROVING THE CREATION OF A MIXED USE URBAN PLANNED DEVELOPMENT DISTRICT, LOCATED AT 930 NORTH G STREET TO CONSTRUCT AN APPROXIMATELY 5-STORY, 81-UNIT MIXED USE DEVELOPMENT AS MORE PARTICULARLY DESCRIBED IN EXHIBIT A, LOCATED WITHIN THE TRANSIT ORIENTED DEVELOPMENT - EAST (TOD-E) ZONING DISTRICT WITH A FUTURE LAND USE DESIGNATION OF TRANSIT ORIENTED DEVELOPMENT (TOD) SUBJECT TO SPECIFIC DEVELOPMENT STANDARDS SET FORTH IN EXHIBIT B AND CONDITIONS OF APPROVAL SET FORTH IN EXHIBIT C; APPROVING A CONDITIONAL USE PERMIT; APPROVING HEIGHT AND DENSITY BONUS INCENTIVES THROUGH THE CITY'S SUSTAINABLE BONUS INCENTIVE PROGRAM; APPROVING A MAJOR SITE PLAN FOR THE DEVELOPMENT OF A MIXED USE URBAN PLANNED DEVELOPMENT; PROVIDED FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE

WHEREAS, the City Commission of the City of Lake Worth Beach, Florida, pursuant to the authority granted in Chapters 163 and 166, Florida Statutes, and the Land Development Regulations, as adopted by the City of Lake Worth Beach, is authorized and empowered to consider petitions relating to zoning and land development orders; and

WHEREAS, Chapter 23, Article 3, Division 6. – Planned Development of City of Lake Worth Beach's Land Development Regulations allows for the creation of planned development districts to incentivize innovative development through the utilization of incentive programs and flexible dimensional and use requirements that are defined within and occur in conformity with an approved master development plan; and

WHEREAS, Bridge Holding, LLC (the applicant) has petitioned the City of Lake Worth Beach (the City) for creation of a Mixed Use Urban Planned Development District to allow for the construction of an approximately 5-story, 81-unit mixed use development (on a site located at 930 North G Street (PCNs 38-43-44-21-15-274-0080; 38-43-44-21-15-274-0070; 38-43-44-21-15-274-0040; 38-43-44-21-15-274-0030; and 38-43-44-21-15-274-0020) as further described in Exhibit A (the Property) within the TOD-E Zoning District and the TOD Future Land Use designation, which, if approved, shall constitute an amendment to the City's official zoning map; and

WHEREAS, the applicant requests use of the City's Sustainable Bonus Incentive Program to allow for additional height to be considered in conjunction with the applicant's request for approval for a major site plan for the construction of a mixed-use development currently known as "Lake Worth Station" and containing approximately 81 residential units to be constructed on this site;

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WHEREAS, on xxx, 2022, the Lake Worth Beach Planning and Zoning Board (PZB) considered the subject application for a Mixed Use Urban Planned Development District, Major Site Plan, Conditional Use Permit, and Sustainable Bonus Incentive Program and recommended that the City Commission approve the creation of this residential planned development subject to specific district development standards and certain enumerated conditions; and

WHEREAS, on xxx, 2022, the City Commission voted to approve on first reading the subject application for a Residential Planned Development District, Major Site Plan, Conditional Use Permit, and Sustainable Bonus Incentive Program subject to specific district development standards and enumerated conditions herein; and

WHEREAS, the City Commission has considered all of the testimony and evidence and has determined that the Mixed Use Urban Planned Development District, Major Site Plan, Conditional Use Permit, and Sustainable Bonus Incentive Program including the development regulations and conditions, meets the requirements of the Land Development Regulations, Section 23.3-25.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAKE WORTH BEACH, FLORIDA, that:

Section 1. Recitals. The foregoing recitals are true and correct and are hereby affirmed and ratified.

Section 2. The Mixed Use Urban Planned Development District located within the TOD-E Zoning District with a future land use designation of TOD, as described more particularly in **Exhibit A**, is hereby approved. This approval includes the approval of the following elements to be known as the Master Development Plan: (a) Residential Planned Development; (b) Major Site Plan; (c) Sustainable Bonus Incentive Program; (d) Conditional Use Permit; (e) district development standards (**Exhibit B**); (f) conditions of approval (**Exhibit C**); (g) required plans including the site plan, landscape plan, and civil & drainage plans; (h) supplemental supporting documents, as well as all agreements, provisions and/or covenants which shall govern the use, maintenance, and continued protection of the residential planned development and any of its common areas or facilities. The applicant is bound to all elements and requirements of the Master Development Plan.

Section 3. The City's zoning maps shall be updated to reflect the changes to the property described in **Exhibit A**.

Section 4. Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. Severability. If any provision of this ordinance or the application thereof is held invalid by a court of competent jurisdiction, the invalidity shall not affect other provisions of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

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Section 6. Effective Date. This ordinance shall become effective ten (10) days after its final passage.

The passage of this ordinance on first reading was moved by _____, seconded by _____ and upon being put to a vote, the vote was as follows:

- Mayor Betty Resch
- Vice Mayor Christopher McVoy
- Commissioner Sarah Malega
- Commissioner Kimberly Stokes
- Commissioner Reinaldo Diaz

The Mayor thereupon declared this ordinance duly passed on first reading on the ____ day of _____, 2022.

The passage of this ordinance on second reading was moved by _____, seconded by _____, and upon being put to a vote, the vote was as follows:

- Mayor Betty Resch
- Vice Mayor Christopher McVoy
- Commissioner Sarah Malega
- Commissioner Kimberly Stokes
- Commissioner Reinaldo Diaz

The Mayor thereupon declared this ordinance duly passed on the _____ day of _____, 2022.

LAKE WORTH BEACH CITY COMMISSION

By: _____
Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, City Clerk

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Exhibit A

**DEPARTMENT FOR COMMUNITY SUSTAINABILITY
PLANNING, ZONING AND HISTORIC PRESERVATION DIVISION
PROPERTY DESCRIPTION & LOCATION MAP**

Address: 930 N G Street

PCNs: 38-43-44-21-15-274-0080; 38-43-44-21-15-274-0070; 38-43-44-21-15-274-0040; 38-43-44-21-15-274-0030;
38-43-44-21-15-274-0020

Size: approx. 1.084 acres

General Location: Northwest corner of 10th Avenue and North G Street

Legal Description: See boundary survey in the Master Development Plan supporting documentation



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**DEPARTMENT FOR COMMUNITY SUSTAINABILITY
PLANNING, ZONING AND HISTORIC PRESERVATION DIVISION
DEVELOPMENT STANDARDS**

Development Standard		Base Zoning District Transit Oriented Development - East (TOD-E)	Mixed-Use Urban Planned Development in TOD-E w/ Sustainable Bonus Incentive Program(SBIP)	Provided
Lot Size (min) In square feet (sf)		13,000 sf	0.5 acres min	1.084 acres
Lot Width (min)		100'	100'	135'
Setbacks	Front (min)	10'	18'-22' ¹	18'
	Rear (min) ²	34'	42'-46' ¹	83'
	Street Side (min) – west (North G Street)	10'	10'	9'³
	Alley Side (min) – east	0'	0'	69'
Impermeable Surface Coverage (maximum)		65%	65%	62%
Structure Coverage (max)		50%	60%	29%
Density (max)		40 du/acre (43 units)	75 du/acre ⁴ (81.3 units)	74.72 du/acre (81 Units)

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Building Height (max)		30' (max. 2 stories)	68.75' ⁴ (30' Plus 25' = 55' x 1.25)	54'10" 5-stories total
Maximum Wall Height at Side Setback		30'	45'	45'
Floor Area Ratio (FAR) (max)		1.1	3.313 ⁴	1.43
Living Area (minimum)	Studio	400 sf	400 sf	NA
	One-bedroom units	600 sf	600 sf	584⁵ sf 2.6% reduction (16 sf)
	Two-bedroom units	750 sf	750 sf	891 sf
	Three-bedroom units	900 sf	900 sf	NA
Parking		129 spaces	NA	98 ⁶
Is property in flood plain or Wellfield Zone? Yes/No		Flood Zone X not in floodplain / Wellfield Zone 4	NA	NA

1. Additional height and stories setback for sustainable incentive: buildings in excess of thirty (30) feet in height in addition to sustainable incentive shall provide an additional front and rear setback of between eight (8) and twelve (12) feet to the minimum required front and rear setbacks.
2. 15 ft. or 10% of lot depth when next to residential zoning district.
3. Applicant has requested to reduce the side setback on the west side setback from 10 feet to 9 feet
4. Per Policy 1.2.3.4 of the Comprehensive Plan's Sustainable Bonus, allowing for a 25% bonus in density, intensity and height over Table 1 for urban planned developments less than 2 acres.
5. Applicant has requested to reduce the living area for one-bedroom units from 600 square feet to 584 square feet, or 16 sf. A 15% reduction living area is permitted for workforce housing per Policy 3.1.2.2 of the Housing & Neighborhood Element in the Comprehensive Plan.
6. A 25% parking reduction for mixed use projects was requested per LDR Section 23.4-10(h)1. Total parking includes off-street parking (including electric vehicle (EV) charging spaces and a bike rack) and on-street parking (including two delivery and rideshare spaces) for multi-family residential and two office spaces.

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Exhibit C

**DEPARTMENT FOR COMMUNITY SUSTAINABILITY
PLANNING, ZONING AND HISTORIC PRESERVATION DIVISION**

CONDITIONS OF APPROVAL

Planning & Zoning

1. Fifty percent (50%) of the sustainable bonus fee (\$195,675) and any portion of the remaining sustainable bonus fee (up to an additional 50%) after qualifying improvements are deducted shall be paid to the City within one year of approval, or prior to the issuance of the building permit, whichever comes first.
2. Fifty percent of the sustainable bonus fee (\$195,675) shall be paid to the City within one year of approval, or prior to the issuance of the building permit, whichever comes first.
3. Public art (sculpture) proposed shall be reviewed by the CRA's LULA program prior to installation.
4. Prior to building permit application,
 - a. A Unity of Title will be required for all applicable parcels.
 - b. An address application shall be required to be submitted prior to application for building permit.
5. Prior to the issuance of a building permit, the applicant shall pay \$14,000 into the City's Tree Canopy Restoration fund.
6. Prior to issuance of a building permit, the applicant shall submit the final School District Availability Determination from the PBC School District and shall pay all applicable fees to PBC prior to the issuance of a building permit.
7. The proposed mixed-use project shall comply with Palm Beach County's Unified Land Development Best Management Practices for Wellfield Protection.
8. All lighting shall comply with lighting code regulations in LDR Section 23.4-3. Further, lighting fixtures shall comply with dark skies fixture recommendations, including a 3000K light tone or less for LED lighting, and shall be consistent with the architectural style of the project as determined by the Development Review Official.
9. The 14 proposed compact/tandem spaces located at the south end of the building shall be assigned to the multifamily two-bedroom units.
10. A public access/sidewalk easement shall be required on the west property line.
11. A video security system shall be required for the property.
12. Prior to the issuance of building permit for commercial signage, a Minor Site Plan amendment to establish a Uniform Master Sign Program for individual tenants/businesses in accordance with the City's Land Development Regulations is required. Directional signage shall be exempt from the minor site plan requirement provided that is appropriately scaled and architecturally consistent.
13. A minor site plan amendment shall be required if site modifications are required to implement the conditions of approval.
14. A more vibrant exterior color scheme more in keeping with the colorful diversity and charm of the City is suggested.

Public Works

Standard Conditions of Approval:

1. The issuance of any permits shall comply with all provisions of the Lake Worth Municipal Code and all other applicable standards including but not limited to the Florida Department of Transportation

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(FDOT), Manual on Uniform Traffic Control Devices (MUTCD), and City of Lake Worth Public Works Construction Standards and Policy and Procedure Manual.

2. No Certificate of Occupancy shall be granted until all conditions of approval have been satisfied under jurisdiction of the Department of Public Works.
3. In the event of a legal challenge to this approval, the applicant/owner shall be responsible for all costs to defend the action of the city in approving any and all permits related to this application. Should the applicant fail to enter into an agreement to fund the costs of litigation, the city, at its discretion, may rescind this approval and revoke all permits issued.

Additional Conditions of Approval

1. Prior to issuance of a building permit:
 - a. The applicant shall contact the Lake Worth Drainage (LWDD) District's Engineering Department and obtain any required permit(s), if necessary, and furnish to the City.
 - b. The applicant shall contact the South Florida Water Management District's (SFWMD) Engineering Department and obtain any required permit(s), if necessary.
 - c. The applicant shall meet with a representative from Public Works Solid Waste and Recycling Division to confirm dumpster enclosure location, accessibility and demand on property and that it is compatible with the requirements of the Department of Public Works. Solid Waste and Recycling Division contact number is 561-533-7344.
 - d. The applicant shall submit an Erosion Control plan and indicate the BMP's and NPDES compliance practices.
2. Prior to the issuance of a certificate of occupancy:
 - a. To accommodate the proposed on-street parking for this project, as it is depicted in the site plan, it will be necessary to shift the center line of North G Street to maintain travel lanes of adequate and equal width. To accomplish this the road will need to be milled and resurfaced to move the crown of the road and change the centerline.
 - b. New striping will be required from the intersection of North G Street and 9th Avenue North to the intersection of North G Street and 10th Avenue North, including stop bars and reflective pavement markers at the intersections.
 - c. The west ROW of North G Street shall be improved with the addition of 5-foot-wide sidewalk, if determined to be required by the Public Works Director at building permit, and conforming to City specification from the intersection of North G Street to the intersection of 9th Avenue North. The sidewalk will meet ADA requirements and terminate at both intersections with ADA compliant ramps and tactile surfaces.
 - d. A stop sign shall be installed at the intersection of North G Street and 9th Avenue North facing southbound traffic.
 - e. "No Parking Any Time" signs shall be installed along the west ROW of North G Street but will not be installed any further south than the point along North G Street where the property line of the project ends.
 - f. A cross-section showing the existing 40' ROW of North G Street in its current condition and a cross section showing the ROW after the change of the centerline of North G Street will need to be provided prior to City Commission.
 - g. Alleyway improvements consisting of 4-inch asphalt millings, graded and compacted, shall be constructed from 10th Avenue North to 9th Avenue North.
 - h. The applicant shall ensure the entire surrounding off-site infrastructure inclusive of the roadway, sidewalk, curbing, stormwater system piping and structures, valve boxes, manholes, landscaping, striping, signage, and other improvements are in the same

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- condition as prior to construction. A pre-construction video of the entire perimeter shall be performed and submitted to the City.
- i. The applicant shall fine grade and sod all disturbed areas with bahia sod.
 - j. The applicant shall broom sweep all areas of the affected right of way and remove of all silt and debris collected as a result of construction activity.
 - k. The applicant shall restore the right of way to a like or better condition. Any damages to pavement, curbing, striping, sidewalks or other areas shall be restored in kind.
3. Prior to performing work in the right of way, the applicant shall apply for and receive issuance of a "Right of Way/Utility Permit" application.
 4. The sidewalk on the east side of North G Street that is bisected by the project property line shall be maintained solely by the property in perpetuity and the City will not be held legally responsible for injuries associated with it.

Utilities – Water & Sewer

1. Prior to building permit issuance, capacity fees are due.
2. Provide a public access easement along the sidewalk that is outside the N G Street right of way.

Electric Utilities

1. Prior to application and the issuance of a building permit, Electric Utilities is requesting the following:
2. Items in regards to the facility's Electrical Site Plan drawings (Electrical Details - E21_222028 BH) are needed to more accurately determine the location of the Electrical Equipment, the Electrical Connections, and Wiring, including Underground (UG)
3. An appropriate Power Distribution Planning to ensure that there is adequate capacity (transformer capacity and feeder capacity) to meet the load demands of the facility shall be specified
4. The facility's potential annual electric energy (power consumption) shall be determined
5. If Electric Vehicle (EV) Chargers are considered: Please provide the number of EV chargers to be installed as well as type of chargers. For example, does the applicant intend to install Level II charger or Level III DC Fast chargers? Quantities of each type? And will these be connected from the facility's main meter or connected directly to the City's electric utility distribution system?
6. The Electric Utility Dept. is requesting a review meeting with the developer & electrical engineers to review and clarify any additional electrical related items.

Prior to the issuance of a building permit:

7. Show the location of the Padmount Transformers, Automatic Transfer Switch (ATS), and the meter banks. The Padmount Transformer locations will need to be in an accessible location to our trucks and will need 8-ft (8 feet) of minimum clearance in the front and 3-ft (3 feet) of minimum clearance on the sides and rear. This clearance includes landscaping. None trees, plants, shrubs or vegetations are allowed within the clearance
8. Provide the electric riser diagrams for all buildings, the proposed electrical loads and the voltages required, including proposed Electrical Cable Schedules
9. Provide the Amp Sizes and Voltages for any other services needed than the commercial units, such as lighting, irrigation, etc. If any meter is over 320 amps for Single Phase, and over 200 amps for 3-Phase, a CT Cabinet and CT Meter Can will need to be installed. All meters and CT Cabinets will need a minimum of 36" (36 in) of clearance in front of them

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10. Provide a 10-ft (10 feet) wide utility easement for the underground electric lines, Padmount Transformers & Switchgear that will serve this project. The Main Electric Line Routing from the Poles to the Padmount Transformers will be determined by the Lake Worth Beach design engineer
11. Transformer & Electrical Equipment Box Pad Elevations shall be FEMA 100 yr. Flood-Plain Elevation + 1-ft (1 feet)
12. Provide details for Temporary Power during construction, Voltage & Amps and approximate Location of service point
13. Complete payment to Lake Worth Beach for electrical infrastructure costs for labor & materials to serve this project
14. The customer will be responsible for installing any Secondary Conduit at a minimum of 24" (24 in) deep from the Secondary Winding of the Transformer of the property to the building
15. The customer will be responsible for Any and All labor and material costs for providing electric service to this project.
16. The CLWB will procure one (1) Padmount Transformer and Box Pad to serve the facility, the owner/developer is responsible for the reimbursement costs to the City. The City will procure one (1) Spare Padmount Transformer at the City's expense.

Prior to the issuance of a Certificate of Occupancy:

17. Provide copy of recorded Utility Easement.
Note that No permanent power can NOT be provided until a Final Electrical Inspection is done.